

9-27-2010

State v. Anderson Clerk's Record v. 1 Dckt. 37591

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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	SUPREME COURT NO. 7529
)	
	)	CLERK'S RECORD ON APPEAL
Plaintiff,)	
vs.)	
)	
JAMES M. ANDERSON,)	
)	
)	
Defendant.)	
_____)	

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the First Judicial District of the State of Idaho, in and for
the County of Bonner.

HONORABLE STEVE VERBY
District Judge

LAWRENCE WASDEN
ATTORNEY GENERAL
P.O. BOX 83720
BOISE, ID 83720-0010

ATTORNEY FOR PLAINTIFF

MOLLY HUSKEY
STATE APPELLATE PUBLIC DEF
3647 Lake Harbor Lane
BOISE, ID. 83705

ATTORNEY FOR DEFENDANT

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State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
11/28/2008	NCRF	HOLT	New Case Filed - Felony
	CHJG	RASOR	Change Assigned Judge
	CTLG	RASOR	Court Log- 08-201 PC
	CRCO	RASOR	Criminal Complaint
	CTLG	RASOR	Court Log- 08-201
	JLIS	RASOR	Jail Information Sheet
			Document sealed
	NOTR	RASOR	Notification of Rights
	JLIS	RASOR	Jail Information Sheet
	ORPD	RASOR	Defendant: Anderson, James M Order Appointing Public Defender Public defender Public Defenders
	ARRN	RASOR	Arraignment / First Appearance
	DRCQ	RASOR	Driving Record Requested
	HRSC	HOLT	Hearing Scheduled (Preliminary 12/10/2008 01:30 AM)
		HOLT	Notice of Hearing
	CTLG	TURNBULL	Court Log- CD# 08-201 PC for Search Warrant
12/1/2008	MISC	TURNBULL	Search Warrant issued
	BSET	SECK	BOND SET: at 500000.00
	DRCO	RASOR	Driving Record
			Document sealed
		ADLER	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Annie -KXLY Receipt number: 0405561 Dated: 12/1/2008 Amount: \$3.00 (Cash)
	CONT	SECK	Corrected (Preliminary 12/10/2008 01:30 PM from AM)
	RQFD	ADLER	Def's Request For Discovery
	NOAP	ADLER	Notice Of Appearance,Rq for prelim,Motn for bond redu & NOFH
12/2/2008	RQFD	TURNBULL	Defendant's First Specific Request For Discovery
12/3/2008		WHITE	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Delwyn Goff Receipt number: 0405711 Dated: 12/3/2008 Amount: \$1.00 (Cash)
	CTLG	TURNBULL	Court Log- CD # 08-202 PC for Search Warrant
	MISC	TURNBULL	Search Warrant issued
	CTLG	TURNBULL	Court Log- CD# 08-202 PC for Amended Search Warrant
	MISC	TURNBULL	Amended Search Warrant issued

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
12/8/2008	NOTC	TURNBULL	Notice of intent to produce evidence of other crimes, wrongdoings or acts pursuant to rule 404, Idaho rules of evidence
12/9/2008	NOTC	TURNBULL	Notice of intent to not seek death penalty
	RQFD	TURNBULL	Plaintiff's Request For Discovery
	RRFD	TURNBULL	Plaintiff's Response To Request For Discovery
	RRFD	TURNBULL	Defendant's Response To Request For Discovery
12/10/2008	WAIV	PEINE	Waiver Of Speedy Trial
	STIP	PEINE	Stipulation to Continue Prelim
	ORDR	PEINE	Order to Continue Prelim
	CHJG	PEINE	Change Assigned Judge
	CONT	PEINE	Continued (Preliminary 12/17/2008 01:30 PM)
		PEINE	Amended Notice of Hearing
12/15/2008	MISC	TURNBULL	Search Warrant Returned
	MISC	TURNBULL	Amended Search Warrant Returned
12/16/2008	SUBR	TURNBULL	Subpoena Returned - Jennifer L Anderson - Svd 12/12/08
	SUBR	TURNBULL	Subpoena Returned - Patrick K E Ziamick - Svd 12/12/08
	SUBR	TURNBULL	Subpoena Returned - Ian J Freir - Svd 12/12/08
12/17/2008	STIP	HOLT	Stipulated Motion to Continue Preliminary Hearing
	WAVE	HOLT	Waiver of Speedy Prelim
	ORDR	RASOR	Order to vacate and continue preliminary hearing
	HRVC	RASOR	Hearing result for Preliminary held on 12/17/2008 01:30 PM: Hearing Vacated
12/18/2008	RRFD	TURNBULL	Plaintiff's Supplemental Response To Request For Discovery
12/19/2008	HRSC	PEINE	Hearing Scheduled (Preliminary 01/21/2009 09:00 AM) set for 9:00 am to 5:00 pm
		PEINE	Notice of Hearing
12/23/2008	MISC	TURNBULL	Search Warrant Returned
1/5/2009	RRFD	TURNBULL	Plaintiff's Supplemental Response To Request For Discovery
1/15/2009	SUBR	TURNBULL	Subpoena Returned - Patrick K E Ziarnick- Svd 1/6/09
	SUBR	TURNBULL	Subpoena Returned - Jennifer L Anderson - UNSERVED
1/16/2009	RRFD	TURNBULL	Plaintiff's Supplemental Response To Request For Discovery
1/20/2009	RRFD	TURNBULL	Plaintiff's Supplemental Response To Request For Discovery
1/21/2009	CTLG	SECK	Court Log- 09-029

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
1/21/2009	OADC	SECK	Order Holding Defendant To Answer To District Court
	JLIS	SECK	Jail Information Sheet
	EXHB	SECK	Exhibit List
	REDU	SECK	Charge Reduced Or Amended (118-4001-II Murder Ii) - Bound Over to District Court on Second Degree Murder.
	PHHD	SECK	Hearing result for Preliminary held on 01/21/2009 09:00 AM: Preliminary Hearing Held set for 9:00 am to 5:00 pm
	HRSC	SECK	Hearing Scheduled (Arraignment/District Court 02/17/2009 09:00 AM)
1/23/2009	MOTN	OPPELT	Motion for Disqualification Without Cause Pursuant to Idaho Criminal Rule 25(a) - Judge Mitchell (Alternate Judge)
	MPTR	MUELLER	Motion for Preparation of Transcript at County Expense
	ORDR	PHILLIPS	Order for Disqualification Without Cause Pursuant to Idaho Criminal Rule 25(a)
	INFO	ADLER	Information filed
	MISC	PHILLIPS	Notification Per Rule 404(b)
	MISC	PHILLIPS	original signature of Louis Marshall on Motion to dq Mitchell
	DISA	CMOORE	Disqualification of Judge Mitchell (as alternate) - Automatic
1/27/2009	ORDR	MUELLER	Order for preparation of transcript of entire Prelim Hearing held on 21st of January, 2009
	RRFD	ADLER	Plf's supp Response To Request For Discovery
1/29/2009	MOTN	OPPELT	Motion for O.R. Release or for Reduction of Bond; Notice of Hearing
	HRSC	OPPELT	Hearing Scheduled (Motion for Bond Reduction 02/17/2009 09:00 AM) or for O.R. Release
2/5/2009	OBJC	PHILLIPS	Defendant's Objection to Notification Per Rule 404(b)
2/13/2009	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery
2/17/2009	CTLG	CMOORE	Court Log-CD #09-056
	ARRN	CMOORE	Hearing result for Arraignment/District Court held on 02/17/2009 09:00 AM: Arraignment / First Appearance
	PNGJ	CMOORE	Hearing result for Arraignment/District Court held on 02/17/2009 09:00 AM: Plea of Not Guilty, Set for Jury Trial
	JLIS	CMOORE	Jail Information Sheet

State of Idaho vs. James Matthew Anderson

Date	Code	User		Judge
2/17/2009	CONT	CMOORE	Continued (Motion for Bond Reduction 03/16/2009 01:30 PM) or for O.R. Release	James R. Michaud
	PLEA	CMOORE	A Plea is entered for charge: - NG (I18-4001-II Murder II)	James R. Michaud
2/25/2009		CMOORE	Amended Notice of Hearing	Steve Verby
2/26/2009	MOTN	CMOORE	Ex Parte Motion for Approval of Investigative Funds	Steve Verby
	NOTL	CMOORE	Notice of Trial and Pretrial Order	James R. Michaud
	HRSC	CMOORE	Trial Scheduled (Jury Trial - 5 Days 05/11/2009 09:00 AM)	Steve Verby
	HRSC	CMOORE	Hearing Scheduled (Pretrial Conference 05/07/2009 02:00 PM)	Steve Verby
	AFFD	CMOORE	Affidavit of Isabella Robertson in Support of Ex Parte Motion for Approval of Investigative Funds	Steve Verby
2/27/2009	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery	Steve Verby
3/16/2009	CTLG	CMOORE	Court Log-CD #09-074	Steve Verby
	INHD	CMOORE	Hearing result for Motion for Bond Reduction or for O.R. Release held on 03/16/2009 01:30 PM: Interim Hearing Held	Steve Verby
	GRNT	CMOORE	Hearing result for Motion for Bond Reduction or for O.R. Release held on 03/16/2009 01:30 PM: Motion Granted to reduce bond to \$200,000	Steve Verby
	JLIS	CMOORE	Jail Information Sheet	Steve Verby
	CONT	CMOORE	Continued (Jury Trial - 5 Days 06/08/2009 09:00 AM)	Steve Verby
	CONT	CMOORE	Continued (Pretrial Conference 06/04/2009 02:00 PM)	Steve Verby
	WAIV	CMOORE	Waiver of Speedy Trial (entered on the record)	Steve Verby
3/17/2009	WAEX	FORELL	Waiver of Extradition	Steve Verby
3/20/2009	RESP	CMOORE	Plaintiff's Supplemental Response to Request for Discovery	Steve Verby
	MOTN	CMOORE	Motion and Stipulation to Release Evidence	Steve Verby
3/23/2009		CMOORE	Amended Notice of Trial	Steve Verby
	ORDR	CMOORE	Order Releasing Evidence	Steve Verby
	ORDR	CMOORE	Order Granting Defendant's Motion for Investigative Funds	Steve Verby
	SUBR	TURNBULL	Subpoena Returned - Patrick K E Ziarnick - Svd 3/16/09	Steve Verby
	SUBN	OPPELT	Subpoena Returned- Not Served (Ian Freir)	Steve Verby
	SUBN	OPPELT	Subpoena Returned- Not Served (Aubrey Rounsville)	Steve Verby
	SUBR	OPPELT	Subpoena Returned and Served on Tara Higgins on 03-16-09	Steve Verby

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
3/23/2009	SUBR	OPPELT	Subpoena Returned and Served on Manuel Padilla on 03-16-09
	SUBR	OPPELT	Subpoena Returned and Served on Tricia Dickens on 03-16-09
	SUBR	OPPELT	Subpoena Returned and Served on Chi Ziarnick on 03-16-09
3/25/2009	CONT	CMOORE	Continued (Jury Trial - 5 Days 07/13/2009 09:00 AM)
	CONT	CMOORE	Continued (Pretrial Conference 07/09/2009 02:00 PM)
		CMOORE	Amended Notice of Trial
4/1/2009	RRFD	PHILLIPS	Plaintiff's Supplemental Response To Request For Discovery
4/10/2009	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery
4/20/2009	SUBR	OPPELT	Subpoena Returned and Served on Tricia L Dickens MD on 04-14-09
	SUBR	OPPELT	Subpoena Returned and Served on Manuel Padilla on 04-15-09
	SUBR	OPPELT	Subpoena Returned and Served on Aubrey Rounselle on 04-15-09
	SUBR	OPPELT	Subpoena Returned and Served on Ian James Freir on 04-15-09
	SUBR	OPPELT	Subpoena Returned and Served on Chi L. Ziarnick on 04-14-09
	SUBR	OPPELT	Subpoena Returned and Served on Patrick Keith Eroso Ziarnick on 04-14-09
4/21/2009	SUBI	PHILLIPS	Subpoena Issued - Verizon
	SUBR	OPPELT	Subpoena Returned and Served on Tara Nichole Higgins on 04-17-09
4/23/2009	RRFD	PHILLIPS	Plaintiff's Supplemental Response To Request For Discovery
4/29/2009	MISC	TURNBULL	Warrant of detention to obtain evidence
5/19/2009	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery
5/22/2009	TRAN	MUELLER	Transcript Filed by Val Larson (January 21, 2009 Prelim hearing)
5/26/2009	CERT	MUELLER	Certificate Of Mailing transcripts
5/27/2009		MUELLER	Receipt of transcript acknowledgment from Louis Marshall
5/28/2009		MUELLER	Receipt of transcript acknowledgment from Isabella Robertson
	LETT	PHILLIPS	Letter from Defendant Requesting new attorney
5/29/2009	HRSC	CMOORE	Hearing Scheduled (Motion 07/06/2009 02:30 PM) to Appoint Conflict Attorney

State of Idaho vs. James Matthew Anderson

Date	Code	User		Judge
5/29/2009		CMOORE	Notice of Hearing	Steve Verby
6/3/2009	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery	Steve Verby
6/4/2009	MOTN	CMOORE	Motion for Change of Venue; Notice of Hearing	Steve Verby
	HRSC	CMOORE	Hearing Scheduled (Motion for Change of Venue 06/16/2009 03:00 PM)	Steve Verby
6/10/2009	STIP	PHILLIPS	Stipulated Motion to Vacate, Continue and Reset Defendant's Motion to Change Venue	Steve Verby
6/11/2009	SUBP	BRACKETT	Subpoena issued-Spencer Greendyke, M.D.	Steve Verby
	SUBP	BRACKETT	Subpoena issued-Custodian of Records, Spencer Greendyke, M.D., River's Edge Orthopedics	Steve Verby
	RRFD	PHILLIPS	Plaintiff's Supplemental Response To Request For Discovery	Steve Verby
6/12/2009	ORDR	CMOORE	Order for Special Juror Questionnaire	Steve Verby
	ORCO	CMOORE	Order Vacating, Continuing and Resetting Motion to Change Venue	Steve Verby
	CONT	CMOORE	Continued (Motion for Change of Venue 07/06/2009 02:30 PM)	Steve Verby
6/15/2009		CMOORE	Amended Notice of Hearing	Steve Verby
6/18/2009	MOCO	CMOORE	Stipulated Motion to Continue Pretrial Conference and Jury Trial	Steve Verby
6/25/2009	ORCO	CMOORE	Order to Vacate and Continue Pretrial Conference and Jury Trial	Steve Verby
	CONT	CMOORE	Continued (Jury Trial - 8 Days 10/13/2009 09:00 AM)	Steve Verby
	CONT	CMOORE	Continued (Pretrial Conference 10/08/2009 02:00 PM)	Steve Verby
		CMOORE	Amended Notice of Trial	Steve Verby
7/6/2009	CTLG	CMOORE	Court Log-CD #09-172	Steve Verby
	INHD	CMOORE	Hearing result for Motion to Appoint Conflict Attorney held on 07/06/2009 02:30 PM: Interim Hearing Held - Defendant wishes to have Isabella Robertson remain as his attorney	Steve Verby
	JLIS	CMOORE	Jail Information Sheet	Steve Verby
	CONT	CMOORE	Continued (Motion for Change of Venue 08/03/2009 01:30 PM)	Steve Verby
7/9/2009		CMOORE	Amended Notice of Hearing	Steve Verby
7/16/2009	MOTN	OPPELT	Motion for O.R. Release or Reduction of Bond; Notice of Hearing	Steve Verby
	HRSC	OPPELT	Hearing Scheduled (Motion for Bond Reduction 07/20/2009 11:30 AM) or O.R. Release	Steve Verby
7/20/2009	CTLG	CMOORE	Court Log-CD #09-175	Steve Verby

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
7/20/2009	INHD	CMOORE	Hearing result for Motion for Bond Reduction or O.R. Release held on 07/20/2009 11:30 AM: Interim Hearing Held
	DENY	CMOORE	Hearing result for Motion for Bond Reduction or O.R. Release held on 07/20/2009 11:30 AM: Motion Denied
	JLIS	CMOORE	Jail Information Sheet
7/29/2009	RRFD	PHILLIPS	Plaintiff's Supplemental Response To Request For Discovery
7/30/2009	RESP	CMOORE	Response to Specific Request for Discovery
7/31/2009	LETT	CMOORE	Letter to Judge Verby stating to vacate Motion for Change of Venue hearing
	HRVC	CMOORE	Hearing result for Motion for Change of Venue held on 08/03/2009 01:30 PM: Hearing Vacated per request of Isabella Robertson
8/7/2009	SUBR	OPPELT	Subpoena Returned and Served on 08-03-09 to Aubrey Rounsiville
	SUBR	OPPELT	Subpoena Returned and Served on 08-03-09 to Ian Freir
	SUBR	OPPELT	Subpoena Returned and Served on 08-03-09 to Chi Ziarnick
	SUBR	OPPELT	Subpoena Returned and Served on 08-03-09 to Amasa Gee
	SUBR	OPPELT	Subpoena Returned and Served on 08-03-09 to Manuel Padilla
	SUBR	OPPELT	Subpoena Returned and Served on 08-03-09 to Pat Ziarnick
8/13/2009	SHRT	MORELAND	Sheriff's Return - Subpoena Served 8/5/09 (Tricia Dickens MD)
	SHRT	MORELAND	Sheriff's Return - Subponea Served 08/05/09 (Tara Higgins)
9/15/2009	MOTN	CMOORE	Motion for Special Jury Questionnaire
	ORDR	CMOORE	Order for Special Juror Questionnaire
9/17/2009	SUBP	BRACKETT	Subpoena duces tecum issued-Custodian of Records, Mark B. Jones, Atty at Law
	SUBP	BRACKETT	Subpoena duces tecum issued-Custodian of Records, Aces Community Svcs (CDA)
	SUBP	BRACKETT	Subpoena duces tecum issued-Custodian of Records, North Idaho Behavioral Health//Kootenai Medical Center
	SUBP	BRACKETT	Subpoena duces tecum issued-Donald T. Iddins, M.D.
	SUBP	BRACKETT	Subpoena duces tecum issued-Cellco Partnership, DBA Verizon Wireless-Bedminister, New Jersey

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
9/17/2009	SUBP	WHITE	Subpoena duces tecum issued-Custodian of Records, Idaho Department of Health and Welfare, Ponderay, Idaho
9/21/2009	SUBR	OPPELT	Subpoena Returned and Served on 09-18-09 to Mary Payton
9/23/2009	MOTN	CMOORE	Ex Parte Motion for Orders Permitting Disclosure of Health Information
	AFFD	CMOORE	Affidavit of Isabella Robertson in Support of Ex Parte Motion for Orders Permitting Disclosure of Health Information
	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery
	STIP	OPPELT	Stipulation Re: Evidence Testing by the Defense (Signed by Louis Marshall only)
9/24/2009	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery
9/25/2009	NOTC	QUAYLE	Notice of Hearing - pre-trial qualification
	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery
9/28/2009	HRSC	CMOORE	Hearing Scheduled (Hearing Scheduled 10/02/2009 01:30 PM) Re: Juror Pre-Trial Qualification
9/29/2009	SMRT	OPPELT	Summons Returned and Served on 09-24-09 to Jennifer Anderson
	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery
9/30/2009	SUBI	MORELAND	Subpoena Issued - Spencer Greendyke, MD
	NOFH	CMOORE	Notice of Hearing
	HRSC	CMOORE	Hearing Scheduled (Motion 10/05/2009 11:30 AM) for Orders Permitting Disclosure of Health Information
	MOTN	CMOORE	Motion in Limine; Notice of Hearing
	HRSC	CMOORE	Hearing Scheduled (Motion in Limine 10/08/2009 11:00 AM)
10/1/2009	RESP	CMOORE	Plaintiff's Supplemental Response to Request for Discovery
10/2/2009	CMIN	CMOORE	Court Minutes Hearing type: Pre-Trial Juror Qualification Hearing Hearing date: 10/2/2009 Time: 1:30 pm Courtroom: Court reporter: Val Larson Minutes Clerk: Sandra Rasor Tape Number: 09-233 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
10/2/2009	CTLG	CMOORE	Court Log-CD #09-233 (SEALED) Document sealed Steve Verby
	INHD	CMOORE	Hearing result for Hearing Scheduled held on 10/02/2009 01:30 PM: Interim Hearing Held Re: Juror Pre-Trial Qualification Steve Verby
	JLIS	CMOORE	Jail Information Sheet Steve Verby
10/5/2009	SUBI	ADLER	Subpoena Issued-Custodian of records, cellco partnership dba Verizon wireless Steve Verby
	CMIN	CMOORE	Court Minutes Hearing type: Motion for Order Permitting Disclosure Hearing date: 10/5/2009 Time: 11:34 am Courtroom: Court reporter: Val Larson Minutes Clerk: Cherie Moore Tape Number: 09-245 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall Steve Verby
	CTLG	CMOORE	Court Log-CD #09-245 Steve Verby
	INHD	CMOORE	Hearing result for Motion for Orders Permitting Disclosure of Health Information held on 10/05/2009 11:30 AM: Interim Hearing Held Steve Verby
	DENT	CMOORE	Hearing result for Motion for Orders Permitting Disclosure of Health Information held on 10/05/2009 11:30 AM: Denial Entered per Order signed 10/08/09 Steve Verby
10/7/2009	RESP	CMOORE	Defendant's Supplemental Response to Request for Discovery Steve Verby
	MOTN	CMOORE	Ex Parte Motion for Payment of Expenses of Defense Steve Verby
	AFFD	CMOORE	Affidavit of Isabella Robertson in Support of Ex Parte Motion for Payment of Expenses of Defense Steve Verby
	SUBI	WHITE	Subpoena Dues Tecum Issued to Donald T Miller Steve Verby
	SUBI	WHITE	Subpoena Issued to Charlene Padilla Steve Verby
10/8/2009	CTLG	AYERLE	Court Log- 09-245 SEALED HEARING Document sealed Steve Verby
	CTLG	AYERLE	Court Log- 09-245 PTC Steve Verby
	CMIN	AYERLE	Court Minutes Hearing type: Pretrial Conference Hearing date: 10/8/2009 Time: 12:08 pm Courtroom: Court reporter: Minutes Clerk: Susan Ayerle Tape Number: 09-245 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall Steve Verby

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
10/8/2009	ORDR	CMOORE	Order Denying Disclosure of Health Information
	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery
	CTLG	CMOORE	Court Log-CD #09-245
	INHD	CMOORE	Hearing result for Pretrial Conference held on 10/08/2009 02:00 PM: Interim Hearing Held - LEAVE SET TO GO TO TRIAL
	CMIN	CMOORE	Court Minutes Hearing type: Pretrial Conference Hearing date: 10/8/2009 Time: 12:08 pm Courtroom: Court reporter: Val Larson Minutes Clerk: Susan Ayerle Tape Number: 09-245 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall
	INHD	CMOORE	Hearing result for Motion in Limine held on 10/08/2009 11:00 AM: Interim Hearing Held - LEAVE SET FOR TRIAL
10/9/2009	ORDR	CMOORE	Order for Payment of Expenses of Defense
10/13/2009	SMRT	OPPELT	Summons Returned - Charlene Padilla
	SMRT	OPPELT	Summons Returned - Donald T. Miller
	SMRT	OPPELT	Summons Returned - William "Billy" Ross
	CTLG	OPPELT	Court Log- CD# 09-249
			Document sealed
	CTLG	CMOORE	Court Log-CD #09-251 (Day 1 of Jury Trial)
	JTST	CMOORE	Hearing result for Jury Trial - 8 Days held on 10/13/2009 09:00 AM: Jury Trial Started
	EXHB	CMOORE	State's Exhibit List (1 - 52)
			Document sealed
	EXHB	CMOORE	Defense Exhibit List (A - G)
			Document sealed
	EXHB	CMOORE	Court's Exhibit List (1 - 33)
			Document sealed
	MISC	CMOORE	Jury Envelope Contents
			Document sealed
10/14/2009	CTLG	CMOORE	Court Log-CD #09-251 (Day 2 of Jury Trial)
10/15/2009	CTLG	CMOORE	Court Log-CD #09-252 (Day 3 of Jury Trial)
10/16/2009	SMRT	BRACKETT	Summons Returned-TPR Kevin Bennett, ISP
	CTLG	CMOORE	Court Log-CD #09-252 (Day 4 of Jury Trial)
10/19/2009	ORDR	CMOORE	Order Regarding Closing Arguments

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
10/19/2009	CMIN	AYERLE	Court Minutes Hearing type: Jury Trial Day 1 Hearing date: 10/13/2009 Time: 9:02 am Courtroom: Court reporter: Val Larson Minutes Clerk: Susan Ayerle Tape Number: 09-251 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall Steve Verby
	CMIN	AYERLE	Court Minutes Hearing type: Jury Trial - Day 2 Hearing date: 10/14/2009 Time: 9:01 am Courtroom: Court reporter: Val Larson Minutes Clerk: Susan Ayerle Tape Number: 09-251 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall Steve Verby
	CMIN	AYERLE	Court Minutes Hearing type: Jury Trial - Day 3 Hearing date: 10/15/2009 Time: 9:03 am Courtroom: Court reporter: Val Larson Minutes Clerk: Susan Ayerle Tape Number: 09-252 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall Steve Verby
	CMIN	AYERLE	Court Minutes Hearing type: Jury Trial - Day 4 Hearing date: 10/16/2009 Time: 9:00 am Courtroom: Court reporter: Val Larson Minutes Clerk: Susan Ayerle Tape Number: 09-252 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall Steve Verby
	SUBR	OPPELT	Subpoena Returned and Served on Christopher Eugene Bonner on 10-15-09 (for Hearing on 10-16-09) Steve Verby
	SUBR	OPPELT	Subpoena Returned and Served on Christopher Eugene Bonner on 10-15-09 (for Hearing on 10-19-09) Steve Verby
	CTLG	CMOORE	Court Log-CD #09-255 (Day 5 of Jury Trial) Steve Verby

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
10/20/2009	CMIN	AYERLE	Court Minutes Hearing type: Jury Trial - Day 5 Hearing date: 10/19/2009 Time: 9:01 am Courtroom: Court reporter: Val Larson Minutes Clerk: Susan Ayerle Tape Number: 09-255 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall
	SUBR	OPPELT	Subpoena Returned and Served on Tracey Dawn Hubbard on 10-08-09
	CTLG	CMOORE	Court Log-CD #09-255 (Day 6 of Jury Trial)
	JLIS	CMOORE	Jail Information Sheet
	VERD	CMOORE	Verdict (Guilty)
10/21/2009	CMIN	AYERLE	Court Minutes Hearing type: Jury Trial - Day 6 Hearing date: 10/20/2009 Time: 9:07 am Courtroom: Court reporter: Val Larson Minutes Clerk: Susan Ayerle Tape Number: 09-255 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall
10/26/2009	MOTN	OPPELT	Motion to Set Aside Jury Verdict and for Entry of Judgment of Acquittal; Notice of Hearing
	HRSC	OPPELT	Hearing Scheduled (Motion 11/17/2009 10:30 AM) to Set Aside Jury Verdict and for Entry of Judgment of Acquittal
	MOTN	OPPELT	Motion for Stay of Execution of Judgment and for O.R. Release or Admission to Bail Pending Appeal; Notice of Hearing
	HRSC	OPPELT	Hearing Scheduled (Motion 11/17/2009 10:30 AM) for Stay of Execution of Judgment Pending Appeal and for O.R. Release or Admission to Bail Pending Appeal
10/28/2009	CINF	AYERLE	Page Estimate for trial is 1,300 per Val Larson
10/30/2009	MOTN	MUELLER	Motion for Preparation of Transcript
	VRNF	MORELAND	Victims Rights Notification Form Document sealed
11/4/2009	MOTN	CMOORE	Motion and Stipulation to Release
11/17/2009	ORDR	CMOORE	Order to Release Vehicle (to Ian Freier)
	CTLG	OPPELT	Court Log- cd# 09-274
	JLIS	OPPELT	Jail Information Sheet

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
11/17/2009	DCHH	OPPELT	Hearing result for Motion held on 11/17/2009 10:30 AM: District Court Hearing Held Court Reporter: Val Larson Number of Transcript Pages for this hearing estimated: Less Than 100 Pages to Set Aside Jury Verdict and for Entry of Judgment of Acquittal
	DENY	OPPELT	Hearing result for Motion held on 11/17/2009 10:30 AM: Motion Denied to Set Aside Jury Verdict and for Entry of Judgment of Acquittal
	DENT	OPPELT	Hearing result for Motion held on 11/17/2009 10:30 AM: Denial Entered for O.R. Release or Admission to Bail Pending Appeal
	WDRW	OPPELT	Hearing result for Motion held on 11/17/2009 10:30 AM: Withdrawn for Stay of Execution of Judgment Pending Appeal
	CMIN	OPPELT	Court Minutes Hearing type: Motions Hearing date: 11/17/2009 Time: 10:30 am Courtroom: Court reporter: Val Larson Minutes Clerk: Linda Oppelt Tape Number: 09-274 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall
11/18/2009	ORPT	MUELLER	Order for Preparation of Transcript
11/23/2009	HRSC	CMOORE	Hearing Scheduled (Sentencing 01/19/2010 03:30 PM)
		CMOORE	Notice of Hearing
	TRAN	MUELLER	Transcript Filed by Val Larson per order on 11/18/2009
11/25/2009		MUELLER	Acknowledgment of receipt of transcript by Louis Marshall
12/29/2009	PSR	OPPELT	Presentence Report
			Document sealed
1/15/2010	NOTC	PHILLIPS	Notice of Intent to Provide Testimony at Sentencing
	MOTN	CMOORE	Motion for New Trial; Notice of Hearing
	HRSC	CMOORE	Hearing Scheduled (Motion 03/01/2010 11:30 AM) for New Trial
1/19/2010	MOCO	CMOORE	Stipulated Motion to Continue Sentencing
	CTLG	CMOORE	Court Log-CD #10-004

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
1/19/2010	CMIN	CMOORE	Court Minutes Hearing type: Sentencing Hearing date: 1/19/2010 Time: 3:31 pm Courtroom: Court reporter: Val Larson Minutes Clerk: Cherie Moore Tape Number: 10-004 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall Steve Verby
	JLIS	CMOORE	Jail Information Sheet Steve Verby
	CONT	CMOORE	Continued (Sentencing 02/12/2010 03:30 PM) Steve Verby
1/20/2010	SUBR	PHILLIPS	Subpoena Returned (re Sgt Burke) - issued by Prosecutor Steve Verby
1/22/2010		CMOORE	Amended Notice of Hearing Steve Verby
2/1/2010	MISC	CMOORE	Submission to Court (restitution information worksheet) Steve Verby
2/3/2010	NOFH	CMOORE	Amended Notice of Hearing Steve Verby
	CONT	CMOORE	Continued (Motion 02/12/2010 03:29 AM) for New Trial Steve Verby
2/5/2010	SUBP	BRACKETT	Subpoena issued-Mike Fritzsche Feb 12, 2010 3:30p.m. Steve Verby
	SUBP	BRACKETT	Subpoena issued-Darrell Ammons, Feb 12, 2010 3:30p.m./ Steve Verby
	SUBP	BRACKETT	Subpoena issued-Greg Eddy Feb 12, 2010 3:30p.m. Steve Verby
	SUBP	BRACKETT	Subpoena issued-Walter Lancaster Feb 12, 2010 3:30p.m. Steve Verby
	SUBP	BRACKETT	Subpoena issued-Karen Lancaster Feb 12, 2010 3:30p.m. Steve Verby
2/10/2010	EVAL	CMOORE	Notice of Filing Evaluation (Psychological Evaluation by Car Haugen, Ph.D.) Document sealed Steve Verby
2/12/2010	CMIN	RASOR	Court Minutes Hearing type: Sentencing Hearing date: 2/12/2010 Time: 3:30 pm Courtroom: Court reporter: Val Larson Minutes Clerk: Sandra Rasor Tape Number: 1 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall Steve Verby
	INHD	CMOORE	Hearing result for Motion for New Trial held on 02/12/2010 03:29 AM: Interim Hearing Held Steve Verby
	DENY	CMOORE	Hearing result for Motion for New Trial held on 02/12/2010 03:29 AM: Motion Denied Steve Verby

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
2/12/2010	DCHH	CMOORE	Hearing result for Sentencing held on 02/12/2010 03:30 PM: District Court Hearing Held - Court Reporter: Val Larson Number of Transcript Pages for this hearing estimated: Less than 200 pages
	DPHR	CMOORE	Hearing result for Sentencing held on 02/12/2010 03:30 PM: Disposition with Hearing
	CAGP	CMOORE	Court Accepts Guilty Plea (I18-4001-II Murder II)
	SNIC	CMOORE	Sentenced To Incarceration (I18-4001-II Murder II) Confinement terms: Penitentiary determinate: 10 years. Penitentiary indeterminate: 10 years.
	STAT	CMOORE	STATUS CHANGED: closed pending clerk action
	EXHB	CMOORE	Exhibit List
	JLIS	CMOORE	Jail Information Sheet
3/1/2010	ORDR	CMOORE	Judgment and Commitment (4 pages)
3/9/2010	NLRV	OPPELT	Notice of Loss of Right to Vote
3/15/2010	MISC	OPPELT	Submission to Court
3/16/2010	MOTN	OPPELT	Motion for Restitution and Notice of Hearing
	HRSC	OPPELT	Hearing Scheduled (Motion for Restitution 04/19/2010 10:30 AM)
3/19/2010	MOTN	CMOORE	Motion for Stay of Execution of Judgment and for O.R. Release or Admission to Bail Pending Appeal; Notice of Hearing
	HRSC	CMOORE	Hearing Scheduled (Motion 04/20/2010 09:01 AM) for Stay of Execution of Judgment and for O.R. Release
	MOTN	OPPELT	Motion to Set Aside Jury Verdict and for Entry of Judgment of Acquittal; Notice of Hearing
	HRSC	OPPELT	Hearing Scheduled (Motion 04/20/2010 09:00 AM) to Set Aside Jury Verdict and for Entry of Judgment of Acquittal
3/23/2010	OBJC	OPPELT	Objection to Defendant's Motion to Set Aside Jury Verdict and Motion to Strike
4/7/2010	MOTN	SMITH	Motion for Appointment of State Appellate Public Defender
	APSC	SMITH	Appealed To The Supreme Court
	STAT	SMITH	STATUS CHANGED: Inactive
4/8/2010	ORDR	SMITH	Order for Appointment of State Appellate Public Defender
	MOTN	CMOORE	Stipulated Motion for Telephonic Appearance
	CCOA	SMITH	Clerk's Certificate Of Appeal
	NOFH	OPPELT	Amended Notice Of Hearing

Date: 6/17/2010

First Judicial District Court - Bonner County

User: SMITH

Time: 11:03 AM

ROA Report

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Case: CR-2008-0007529 Current Judge: Idaho Supreme Court

Defendant: Anderson, James Matthew

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
4/8/2010	CONT	OPPELT	Hearing result for Motion held on 04/20/2010 09:01 AM: Continued for Stay of Execution of Judgment and for O.R. Release
	HRSC	OPPELT	Hearing Scheduled (Motion 04/19/2010 10:30 AM) for Stay of Execution of Judgment and for O.R. Release or Admission to Bail Pending Appeal
4/13/2010	ORDR	OPPELT	Order for Telephonic Appearance
4/16/2010	CHJG	SMITH	Change Assigned Judge
	NOTC	SMITH	Notice of Appeal Filed ISC
	HRVC	OPPELT	Hearing result for Motion held on 04/20/2010 09:00 AM: Hearing Vacated to Set Aside Jury Verdict and for Entry of Judgment of Acquittal per Claire at the Public Defenders Office
	OBJC	SMITH	Objection to Motion for Restitution
4/19/2010	CONT	CMOORE	Continued (Motion 05/20/2010 09:00 AM) for Stay of Execution of Judgment and for O.R. Release or Admission to Bail Pending Appeal (Defendant telephonic)
	CONT	CMOORE	Continued (Motion for Restitution 05/20/2010 09:00 AM) (Defendant by telephone)
4/21/2010		CMOORE	Amended Notice of Hearing
5/14/2010	MOTN	CMOORE	Ex Parte Motion for Order Permitting Telephone Appearance at Hearing Scheduled May 20, 2010, at 9:00 A.M. (P.S.T.)
5/17/2010	ORDR	CMOORE	Order Permitting Telephone Appearance at Hearing Scheduled May 20, 2010, at 9:00 A.M. (P.S.T.)
5/20/2010	CTLG	CMOORE	Court Log-Courtroom 1
	CMIN	CMOORE	Court Minutes Hearing type: Motions Hearing date: 5/20/2010 Time: 9:01 am Courtroom: Court reporter: None Minutes Clerk: Cherie Moore Tape Number: 1 Defense Attorney: Isabella Robertson Prosecutor: Louis Marshall
	DCHH	CMOORE	Hearing result for Motion for Stay of Execution of Judgment and for O.R. Release or Admission to Bail Pending Appeal held on 05/20/2010 09:00 AM: District Court Hearing Held - Court Reporter: NONE - Number of Transcript Pages for this hearing estimated: Less than 100 pages
	DENY	CMOORE	Hearing result for Motion for Stay of Execution of Judgment and for O.R. Release or Admission to Bail Pending Appeal held on 05/20/2010 09:00 AM: Motion Denied

Date: 6/17/2010

First Judicial District Court - Bonner County

User: SMITH

Time: 11:23 AM

ROA Report

Page 17 of 17

Case: CR-2008-0007529 Current Judge: Idaho Supreme Court

Defendant: Anderson, James Matthew

State of Idaho vs. James Matthew Anderson

Date	Code	User	Judge
5/20/2010	HRVC	CMOORE	Hearing result for Motion for Restitution held on 05/20/2010 09:00 AM: Hearing Vacated - Defense does not oppose
6/4/2010	STIP	CMOORE	Idaho Supreme Court
6/11/2010	JDMT	CMOORE	Steve Verby
6/14/2010	MOTN	SMITH	Idaho Supreme Court
	MOTN	SMITH	Idaho Supreme Court
	MOTN	SMITH	Idaho Supreme Court
	MOTN	SMITH	Idaho Supreme Court

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2008 NOV 28 A 11:46

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

BONNER COUNTY PROSECUTING ATTORNEY
Louis Marshall, Chief Deputy Prosecutor (ISBN 6441)
127 South First Avenue
Sandpoint, ID 83864
(208) 263-6714 (208) 263-6726 Fax

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

-vs-

JAMES M. ANDERSON,

SS#: [REDACTED]

Defendant.

Case No.: **CR-2008-000 7529**

CRIMINAL COMPLAINT

COMES NOW, Howard Burke, Detective Sergeant, Bonner County Sheriff's Office and being first duly sworn under oath, complains that the above-named Defendant did commit the crime of **FIRST DEGREE MURDER**, Idaho Code § 18-4001; 18-4002; 18-4003; 18-4004, a Felony, committed as follows:

The Defendant, **JAMES ANDERSON** on or about the 27th day of November 2008, in the County of Bonner, State of Idaho, did willfully, unlawfully, deliberately, with premeditation, and with malice aforethought, kill and murder **Elvin J. Holt**, a human being by shooting **Elvin J. Holt** in the head with a firearm.

All of which is contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Idaho.

WHEREFORE, Complainant prays that the Defendant be dealt with according to law.

DATED this 28 day of November, 2008.

Det SP H. Burke
COMPLAINANT

SUBSCRIBED AND SWORN to before me this 28 day of November, 2008.

Debra A. Davis
MAGISTRATE OF THE DISTRICT COURT

Bail → \$ 500,000

☒ ADULT

☐ JUVENILE

STATE OF IDAHO
County of Bonner
FILED
AT _____ O'Clock _____ M
CLERK, DISTRICT COURT

Deputy

JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: HEISE

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
CASE NO. CR 08 - 7529

JAMES M 2008 NOV 28 A 11:48 ANDERSON
(SUBJECT'S FIRST NAME) (SUBJECT'S MIDDLE NAME) (SUBJECT'S LAST NAME)

☒ BY VIDEO
☒ SUBJECT APPEARED IN COURT ON: FRI Nov 28/08 AT 1138 A

☒ SUBJECT IS TO: ☐ BE OR'D
☐ BE RELEASED BY JUDGES ORDER
☐ BE RELEASED/TIME SERVED
☐ BE RELEASED TO PARENT/PTA
☐ MUST SIGN WAIVER OF EXTRADITION
☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

CLERK, DISTRICT COURT
DEPUTY

☒ REMAIN IN CUSTODY
☒ BOND \$ 500,000.00

☐ SENTENCED TO: ☐ _____ DAYS IMPOSED ☐ _____ HOURS ON SHERIFF'S LABOR PROGRAM.
☐ _____ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**
☐ _____ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**
☐ _____ DAYS CREDIT _____, 20____.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: _____ AT _____
☐ BREATH OR U/A TEST ORDERED _____ X'S WEEKLY ON: _____ AT _____
☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED _____ YEAR(S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN _____ AND NOT MORE THAN _____
IN THE IDAHO STATE DEPT. OF CORRECTIONS.
☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON _____ YEARS PROBATION.
☐ SUBJECT TO BE PLACED IN THE RETAINED JURISDICTION PROGRAM FOR NOT MORE THAN 180 DAYS.
☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE _____ DAYS LOCAL JAIL.

CHARGES

MURDER I

\$ 500,000.00

JUDGE'S ORDER: SUBJECT IS TO REMAIN IN CUSTODY
TBS4 PRELIM

☐ JUDGE'S ORDER WILL FOLLOW

☒ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

- 20 -

BAILIFF

Anderson, James
1-1-80

FILED 11/28/08 AT 11:24

CLERK OF THE DISTRICT COURT

BY 802 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

APPLICATION FOR: James M. Anderson
DEFENDANT / JUVENILE / CHILD

BY _____
DEFENDANT / PARENT / GUARDIAN

DATE OF BIRTH: [REDACTED]

SOC. SECURITY # [REDACTED]

CASE NO. CR 2008-7529

FINANCIAL STATEMENT AND ORDER

NOTE: If this application is being made on behalf of a juvenile, please answer the following questions as they apply to his/her parents or legal guardian.

I, the above named defendant, being first duly sworn on oath, depose and say in support of my request for court appointed counsel:

My current address is: 468000 Hwy 95^s Sagle #60 ID 83860
(Street or P.O. Box) City State Zip Code)

My current telephone number or message phone is: 208-304-5760

That I have been charged with the crime of MURDER 1
in the above entitled court and request the court to appoint counsel at county expense to represent me; that I agree, if ordered by the Court, to refund to said County such sum as the court may fix for the cost of my defense, upon such terms as the court may order.

BELOW IS A TRUE AND CORRECT STATEMENT OF MY FINANCIAL CONDITION:

1. EMPLOYMENT:

A. Employed: yes ☒ no ☐ B. Spouse Employed: yes ☒ no ☐
C. If not employed, or self-employed, last date of employment July 10th
D. My employer is/was: REX
Address: _____

2. INCOME MONTHLY (Include income of spouse, if married):

Wages before deductions	\$ <u>0</u>	Other income: (Specify: Child Support, S.S., V.S., A.D.C.,	
Less Deductions	\$ <u>0</u>	<u>Food Stamps</u> , etc.)	
Net Monthly Wages	\$ <u>0</u>		\$ <u>?</u>

3. EXPENSES MONTHLY:

Rent or Mortgage Payment	\$ <u>585.00</u>	Child Care	\$ <u>0</u>
Utilities	\$ <u>189.00</u>	Recreation	\$ <u>0</u>
Clothing	\$ <u>0</u>	Medical	\$ <u>0</u>

Anderson, James 1-1-80

3. EXPENSES MONTHLY (Continued):

Transportation

\$ 255.00

Insurance

\$?

School

\$ 0

Other: (Specify)

\$

Food

\$ 250.00

\$

DEBTS:

Creditor

Total \$

\$ per mo.

Creditor

Total \$

\$ per mo.

4. ASSETS:

A. I (we) have cash on hand or in banks

\$ 0

B. I (we) own personal property valued at

\$ 0

C. I (we) own vehicle(s) valued at

\$ 6,800.00 Still Paying on

D. I (we) own real property valued at

\$ 0

E. I (we) own stocks, bonds, securities, or interest therein

\$ 0

5. THE FOLLOWING ALSO AFFECTS MY FINANCIAL CONDITION (Specify): I am not working Doc

to left knee surgery

6. DEPENDENTS:

Self

1

Spouse

2

Children

Other (specify)

2 Dogs

(number)

James M. Anderson
APPLICANT

Subscribed and sworn to before me this 28 day of November, 2008

Delia A. Huxie

The above named ☒ defendant ☐ parent ☐ guardian appeared before the court on the aforesaid charge and requested the aid of counsel. The court having considered the foregoing, and having personally examined the applicant; ☒ ORDERS ☐ DENIES the appointment of the service of counsel in all matters pertaining to this action at county expense.

The ☐ defendant ☐ parent ☐ guardian is required to reimburse the county for the services of counsel, at a rate of \$ per month, commencing , 20 and continuing until notified by the court.

DATED this 28 day of November, 2008.

Delia A. Huxie
JUDGE

Custody Status: ☒ In ☐ Out

Bond \$ 500,000

Copies To:

☒ Prosecuting Attorney

☒ Public Defender

☐ Public Defender notified by phone

11/28/08
Date

SR
Deputy Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: DEBRA HEISE
DIVISION: MAGISTRATE
CLERK: SANDRA RASOR

CASE NO. XX **CR 08-7529**
DATE: 11/28/08 TIME: 9:30 AM
CD: 08- **201**

STATE OF IDAHO

vs

Plaintiff / Petitioner

James M Anderson
Defendant / Respondent

Atty: LOUIS MARSHALL

Atty: VALERIE FENTON

SUBJECT OF PROCEEDINGS
CHARGE

INDEX	SPEAKER	PHASE OF CASE
927	J	Calls Case
		Present: HOWARD BURKE, LOUIS MARSHALL, VALERIE FENTON
	J	TAKING UP CASE OF JAMES ANDERSON
		468800 HWY 95 SOUTH OF SAGLE IDAHO, TRAVEL AMERICA TRAILER PARK BONNER COUNTY IDAHO
	LM	CALL HOWARD BURKE
	CLERK	HOWARD BURKE SWORN
	LM	DIRECT
	HB	DETECTIVE BONNER CTY SHERIFF'S OFFICE OVER 23 YEARS, DEATH OF ELVIN HOLT OCCURRED EARLY THIS AM OR LATE YESTERDAY EVENING RESPONDED TO SCENE VICTIM ALREADY DEAD. (DESCRIBES TRAILER PARK) THIS WAS ALL THE WAY TO SOUTHWEST PORTION OF THE PARK, WHERE TRAILERS ARE BROUGHT IN FOR LONGER TERM, PATROL OFFICER THERE ALREADY, I WAS IN ROUTE 11:45 PM, NOT SURE IF I ARRIVE BEFORE OR AFTER MIDNIGHT, A NUMBER OF PEOPLE DETAINED, I HAD ASKED THAT ALL THOSE INVOLVED BE MAINTAINED IN SEPARATE VEHICLES, DECEDENT MR. HOLT WAS STILL AT SCENE WHEN I ARRIVED, AT THAT TIME DECEASED, IDENTIFIED BY A HALF BROTHER WHO HAD RAN FROM SCENE BUT WAS DETAINED A DISTANCE AWAY, DECEASED ON BACK FEET TO SOUTH APPEARED A HIGH CALIBER BULLET HAD ENTERED LEFT EYE AND OUT BACK OF HEAD, ALL EVIDENCE AT SCENE WITH CONSISTENT WITH BEING SHOT AT THAT PLACE, INTERVIEWED: VICTIMS NAME ELVIN JOSEPH ELI HOLT ARRIVED AT SCENE WITH HALF BROTHER ALLEN JAMES FREIR, JAMES ANDERSON SUSPECT WAS IN PATROL CAR, I INFORMED HIM I WAS POLICE OFFICER AND READ HIM HIS MIRANDA, HE READ THE MIRANDA AND SIGNED PAPER AND GAVE RENDITION OF WHAT HAD HAPPENED, HE STATED HE WAS AT HIS HOME WITH HIS WIFE AND TWO SMALL CHILDREN AND A FRIEND WHO HAD PASSED OUT ON SOFA, HEARD BANGING ON DOOR AND TWO GENTLEMEN HTER WHO SAID THEY WERE UNHAPPY WITH THEM, HE HAD NO IDEA WHO THEY WERE SO HE TOLD WIFE HE WOULD STEP OUT AND TALK TO THEM TO TAKE CARE OF, AT THAT TIME HANDICAPPED, HARD FOR HIM TO NEGOTIATE STEPS PERSON AT DOOR PULLED HIM OFF STEPS AND TOOK HIM TO A VEHICLE ABOUT 25 FEET AWAY, AT THAT LOCATION THEY PUSHED HIM AGAINST CAR, THREATENED TO KILL HIM AND WIFE AND CHILDREN, ABOUT A BATTERY CASE ABOUT A MONTH AGO IN WHICH JAMES ANDERSON HAD BEEN INVOLVED. HE DENIED HE HAD ANY KNOWLEDGE OF WHAT THEY

		WERE TALKING ABOUT, HIS WIFE CAME OUT OF TRAILER AND ASKED IF SHE SHOULD CALL POLICE, INDIVIDUALS BACKED OFF, WIFE APPROACHES GUY THAT HAD BEEN AT DOOR, EVAN HOLT, QUESTIONED HIM, DURING THAT TIME HUSBAND TRYING TO GET TO HOUSE, WALKED PAST IAN JAMES FIERR BUT HE FOLLOWED HIM, HE HAD BEEN HUNTING THAT DAY SO HAD GUNS IN KITCHEN, HE GRABBED GUN, HE SAID IAN PUSHED HIM TO FLOOR
	LM	FACTS STATING NOW ARE FIRST STORY THAT SUSPECT TOLD YOU
1047	HB	<p>YES, REASON FOR CHARGE</p> <p>IAN LEAVES AND JAMES FOLLOWS, JAMES APPROACHES HIS WIFE AND ELVIN HOLT WHO IS ARGUING WITH HIS WIFE, HE SAYS THAT IAN JUMPED ON HIS BACK AT THAT TIME HE TURNED AND SHOT IAN WHO TURNED AND RAN YELLING, HE SAID THEY HAD THREATENED HIS FAMILY SO HE SHOT: AFTER THAT I INTERVIEWED IAN, EVAN TOLD HIM HE HAD BUSINESS THERE IAN DIDN'T KNOW WHY, HE STAYED IN TRUCK UNTIL HIS BROTHER AND ANDERSON CAME OUT, HE KNEW IT WAS A REPRISAL EVENT, HE KNEW HIS BROTHER HAD BEEN DRINKING, HE SAYS THAT WHEN THE WIFE CAME OUT JAMES HEADED FOR THE HOUSE, HE SAID HE WENT TO HOUSE TO TELL JAMES THEY WERE GOING TO LEAVE, WHEN HE LOOKED IN HOUSE HE SAW THAT JAMES HAD A GUN HE HEADED BACK TO GET BROTHER AND GET IN VEHICLE, STARTED YELLING AT BROTHER LETS GET OUT OF HERE. JAMES CAME OUT AND PUSHED HIM AND SUSPECTS WIFE ASIDE POINTED GUN AND SHOT EVAN IN THE FACE, HE RAN TO NEIGHBORS HOUSE AND THEY CALLED POLICE:</p> <p>WIFE STORY, TWO KNOCKED ON DOOR THAT SHE DID NOT KNOW, HUSBAND STEPPED OUTSIDE, SHE HEARD THEM GETTING LOUDER AND SHE WENT OUTSIDE, SHE YELLED SHOULD I CALL THE POLICE, SHE SAW HUSBAND BEING DETAINED BY TWO MALES, HUSBAND LEFT THAT POSITION AND HE WENT INTO HOUSE, SHE ENGAGED VICTIM IN CONVERSATION, SHE DID KNOW INDIVIDUAL WHO HAD BEEN ASSAULTED IN THE PAST, IT HAPPENED FAST, SHE SAW THE TALL GUY (MR. FRIER) SHORT GUY DECEDENT, TALL GUY CAME BACK ALL OF A SUDDEN HER HUSBAND CAME OUT PUSHED HER OUT OF THE WAY POINTED GUN AND SHOT DECEDENT, NO PHYSICAL ALTERCATION,</p> <p>EXAMINATION OF EVIDENCE,</p> <p>EVIDENCE WAS NOT CONSISTENT WITH MR. ANDERSON'S STATEMENT BUT CONSISTENT WITH WIFE AND BROTHERS STATEMENTS,</p> <p>MR. HOLT HAD CAR KEYS IN HIS HAND, HIS BROTHER HAD STATED HE YELLED LETS GET OUT OF HERE, AND HAND WAS CLENCHING KEYS SO WOULD NOT HAVE BEEN ABLE TO GRAB ANYONE, DID NOT FIND KNIFE DID NOT SEARCH COMPLETELY FOR KNIFE, BROTHER STATED THAT HE DID HAVE ONE BUT HAD LOANED TO A RELATIVE THAT DAY, TRUCK DRIVEN TO SCENE WAS OWNED BY MR. FRIER, FOUND NO KNIFE EXCEPT ON JAMES ANDERSON, WIFE NEVER SAID SHE SAW ANY WEAPON. MRS. ANDERSON STATED THAT HER HUSBAND TOLD HER A KNIFE HAD BEEN DRAWN ON HIM AT TRUCK. INTERVIEWED SUSPECT AGAIN AT BONNER COUNTY JAIL DID NOT INVOKE RIGHTS TO COUNSEL OR TO REMAIN SILENT, HE BEGAN TALKING TO ME SO I MADE SURE HE KNEW RIGHTS HE STATED HE LIED TO ME AT HOUSE, HE DID KNOW FRIEND OF THESES PEOPLE THAT HAD BEEN BEATEN UP. HE HAD PUNCHED HIM. HE SAID THAT THIS NIGHT HE DIDN'T KNOW WHO THEY WERE WHEN HE STEPPED OUT, ONCE THEY MENTIONED INCIDENT HE KNEW WHAT THEY WERE TALKING ABOUT, HE SAID HE WAS ENRAGED AT PEOPLE HE DID NOT KNOW COMING TO HIS HOUSE THREATENING HIM AND HIS FAMILY, THOUGHT ONE OF THEM WAS HIDING IN DOOR AREA, HE PULLED BACK HAMMER, NO ON E THERE HE SAID HIS INTENT WAS TO PUT GUN IN GUYS FACE TO TELL TO GET OUT OF THERE, RAISED GUN, FORGOT HE HAD COCKED THE HAMMER, GUN GOING OFF SHOCKED HIM THE OTHER GUY RAN HE WENT IN HOUSE AND CALLED POLICE DIDN'T KNOW WHAT ELSE TO DO, A LOT OF INCONSISTENCY WITH</p>

		SUSPECTS FIRST STORY, THAT IS THE PC FOR THE ARREST BOTH HOLT AND FRIER CAME IN THE SAME VEHICLE 2000 FORD PARKED NEXT TO MR. HOLTS BODY ADJACENT TO TRAILER, SEEKING TO SEARCH VEHICLE FOR WEAPON OR OTHER EVIDENCE TO TIE WITH SHOOTING, BULLET FRAGMENTS MAY BE LODGED IN THE TRUCK. OWNER OF VEHICLE STATED COVER OF TRUCK HAD NO DAMAGE I SAW TWO HOLES IN WINDOW AND FRAGMENTS IN BACK, IT APPEARS HE WAS SHOT ONE TIME IN THE EYE, BULLET PASSED THROUGH HIS HEAD AND HIT THE PICKUP TRUCK, HE WOULD HAVE HAD TO HAVE FALLEN IN SPOT HE WAS SHOCKED, I DID REMOVE FRAGMENTS AFRAID TRUCK WOULD BE TOWED, IAN FIERI OWNED PICKUP BUT HOLT HAD DRIVEN AND HAD KEYS. THEY HAD BOTH BEEN DRINKING AND FRIER DIDN'T WANT TO DRIVE, BODY WAS LESS THAN TEN FEET AWAY FROM TRUCK, EVIDENCE COULD BE INSIDE OF TRUCK, BODY MATTER, HAIR CLOTHING OR FINGERPRINTS, HAD TRUCK TOWED TO A SECURE BLDG 401 S. BOYER.
1059	J	FIND PC FOR PC TO SUPPORT CHARGE OF FIRST DEGREE MURDER, WITH RESPECT FOR SEARCH WARRANT DO FIND PC TO SEARCH VEHICLE FOR EVIDENCE
		WOULD LIKE SECOND VEHICLE ALSO
	J	START WITH FIRST VEHICLE DESCRIBED IN CAPTION OF THIS REPORT
1103	LM	CLARIFIES VIN NUMBER
	J	BAIL AT \$500.000
1104		END

BONNER COUNTY PROSECUTING ATTORNEY

127 South First Avenue

Sandpoint, ID 83864

(208) 263-6714 Fax: (208) 263-6726

COPY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

2001 Ford F250

VIN#1FTNW21581EAO2003

(Register owner Ian J. Freir)

Defendant.

Case No.: CR-2008-000 **7529**

SEARCH WARRANT

County of BONNER, STATE OF IDAHO, to:

Howard Burke, Bonner County Sheriff's Office, or any Deputy Sheriff, constable,
marshal, policeman or other peace officer in Bonner County.

Proof of testimony under oath having been presented to me by Howard Burke,
that there is probable cause to believe that certain property, to-wit:

**Bullet(s) ammunition, blood, bone, body tissue matter, firearms, weapons,
fingerprints, hair, clothing, proof of occupancy, glass.**

Which is evidence of the criminal offense of:

Murder

SEARCH WARRANT - 1.

in the vehicle described in the caption of this SPW and is located
And is presently located at the premises described as follows:

Bonner County Sheriff's Office, 4001 North Boyer, Sandpoint, Idaho 83864.

WHEREFORE, you are commanded to:

1. Forthwith search the above-described **vehicle** within 5 day(s)/hour(s), for the above-described property, which search shall be conducted **in the daytime/at anytime/day or night.**
2. If the above-described property, or any part thereof, is found, then prepare a written inventory, describing the property in detail, in the presence of the person from whom it was taken, or in that person's absence, in the presence of some credible person.
3. If the above-described property, or any part thereof, is found, then seize said property and leave a copy of this warrant, and a receipt that describes in detail the property seized, with the person from whom it was taken, or in the place where said property was found.
4. Return this search warrant, and the property seized, and the written inventory to any First Judicial District Magistrate Judge by the 12 day of December 2008, by the hour of 5:00 P.M.

DATED this 28 day of November 2008.

Debra A. Steere
MAGISTRATE

RETURN OF WARRANT

STATE OF IDAHO

)

)

ss

County of Bonner

)

I, the undersigned law enforcement officer, received the above Search Warrant on the _____ day of _____ 2008, and executed the same on the _____ day of _____ 2008, at ____ o'clock ____ M.

() **NONE OF THE ABOVE DESCRIBED PROPERTY WAS FOUND ON / IN THE ABOVE-DESCRIBED VEHICLE.**

() **I DISCOVERED AND SEIZED THE PERSONAL PROPERTY DESCRIBED IN THE ATTACHED WRITTEN INVENTORY. THAT WRITTEN INVENTORY WAS MADE IN THE PRESENCE OF _____, (the applicant for the above search warrant) AND IS A TRUE AND DETAILED DESCRIPTION OF ALL PROPERTY TAKEN BY ME PURSUANT TO THE ABOVE SEARCH WARRANT.**

() **I LEFT A COPY OF THE ABOVE SEARCH WARRANT AND A RECEIPT FOR THE PROPERTY SEIZED:**

() **WITH THE PERSON FROM WHOM IT WAS TAKEN.**

() **AT THE PLACE WHERE THE PROPERTY WAS FOUND.**

DATED this _____ day of _____ 2008.

LAW ENFORCEMENT OFFICER

SUBSCRIBED AND SWORN to before me this _____ day of _____ 2008.

NOTARY PUBLIC -- STATE OF IDAHO
Commission Expires: _____

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

BONNER COUNTY PROSECUTING ATTORNEY

127 South First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

2008 DEC -3 A 10:15

MARIE SCOTT
CLERK DISTRICT COURT

DEPUTY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No.: **CR-2008-7529**

SEARCH WARRANT

COPY

County of BONNER, STATE OF IDAHO, to:

Detective Howard Burke, Bonner County Sheriff's Office, or any Deputy Sheriff,
constable, marshal, policeman or other peace officer in Bonner County.

Proof of testimony under oath having been presented to me by Detective Howard
Burke, that there is probable cause to believe that certain property, to-wit:

Bullet(s), ammunition, firearms, weapons, fingerprints, hair, clothing and

proof of ownership located in a 1979 Chevrolet Luv pickup truck bearing.

Idaho license number 7B-B3632, VIN #CRN1498283103, with the registered
owner showing as Elvin D. Holt.

Which is evidence of the criminal offense of:

Murder

SEARCH WARRANT - 1.

And is presently located at the premises described as follows:

Bonner County Sheriff's Office, 4001 North Boyer, Sandpoint, Idaho 83864.

WHEREFORE, you are commanded to:

1. Forthwith search the above-described **vehicle** within 14 day(s)/hour(s), for the above-described property, which search shall be conducted **in the daytime/at anytime/day or night.**
2. If the above-described property, or any part thereof, is found, then prepare a written inventory, describing the property in detail, in the presence of the person from whom it was taken, or in that person's absence, in the presence of some credible person.
3. If the above-described property, or any part thereof, is found, then seize said property and leave a copy of this warrant, and a receipt that describes in detail the property seized, with the person from whom it was taken, or in the place where said property was found.
4. Return this search warrant, and the property seized, and the written inventory to any First Judicial District Magistrate Judge by the 17 day of December 2008, by the hour of 5P.M.

DATED this 3 day of December 2008.

Debra A. Kusi
MAGISTRATE

RETURN OF WARRANT

STATE OF IDAHO

)

)

ss

County of Bonner

.)

I, the undersigned law enforcement officer, received the above Search Warrant on the _____ day of _____ 2008, and executed the same on the _____ day of _____ 2008, at ____ o'clock ____ M.

- () **NONE OF THE ABOVE DESCRIBED PROPERTY WAS FOUND ON / IN THE ABOVE-DESCRIBED VEHICLE.**
- () **I DISCOVERED AND SEIZED THE PERSONAL PROPERTY DESCRIBED IN THE ATTACHED WRITTEN INVENTORY. THAT WRITTEN INVENTORY WAS MADE IN THE PRESENCE OF _____, (the applicant for the above Search Warrant) AND IS A TRUE AND DETAILED DESCRIPTION OF ALL PROPERTY TAKEN BY ME PURSUANT TO THE ABOVE SEARCH WARRANT.**
- () **I LEFT A COPY OF THE ABOVE SEARCH WARRANT AND A RECEIPT FOR THE PROPERTY SEIZED:**
- () **WITH THE PERSON FROM WHOM IT WAS TAKEN.**
- () **AT THE PLACE WHERE THE PROPERTY WAS FOUND.**

DATED this _____ day of _____ 2008.

LAW ENFORCEMENT OFFICER

SUBSCRIBED AND SWORN to before me this _____ day of December, 2008.

NOTARY PUBLIC -- STATE OF IDAHO
Commission Expires: _____

1979 Chevy Luv
7B-B3632
VIN: CRN1498283103

..
Search for weapons, firearms, fingerprints, hair, clothing.
Registered owner: Elvin D. Holt

Impound

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2008 DEC -3 A 10:15

MARIE SCOTT
CLERK DISTRICT COURT

DEPUTY

BONNER COUNTY PROSECUTING ATTORNEY
127 South First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No.: **CR-2008-7529**

AMENDED SEARCH WARRANT

County of BONNER, STATE OF IDAHO, to:

Detective Howard Burke, Bonner County Sheriff's Office, or any Deputy Sheriff,
constable, marshal, policeman or other peace officer in Bonner County.

Proof of testimony under oath having been presented to me by Detective Howard
Burke, that there is probable cause to believe that certain property, to-wit:

Bullet(s) ammunition, shell casings, blood, bone, body tissue matter,

firearms, weapons, fingerprints, hair, clothing, proof of ownership,

evidence of trajectory, glass located in a 2001 Ford F250 truck bearing VIN#

1FTNW21681EA02003 with registered owner showing as Ian J. Freir.

Which is evidence of the criminal offense of:

Murder

AMENDED SEARCH WARRANT - 1.

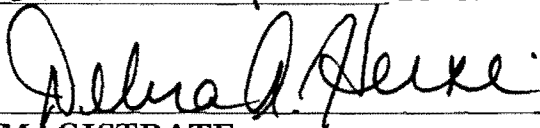
And is presently located at the premises described as follows:

Bonner County Sheriff's Office, 4001 North Boyer, Sandpoint, Idaho 83864.

WHEREFORE, you are commanded to:

1. Forthwith search the above-described **vehicle** within 14 day(s)/hour(s), for the above-described property, which search shall be conducted **in the daytime/at anytime/day or night.**
2. If the above-described property, or any part thereof, is found, then prepare a written inventory, describing the property in detail, in the presence of the person from whom it was taken, or in that person's absence, in the presence of some credible person.
3. If the above-described property, or any part thereof, is found, then seize said property and leave a copy of this warrant, and a receipt that describes in detail the property seized, with the person from whom it was taken, or in the place where said property was found.
4. Return this search warrant, and the property seized, and the written inventory to any First Judicial District Magistrate Judge by the 17 day of December 2008, by the hour of 5 P.M.

DATED this 3 day of December 2008.


MAGISTRATE

RETURN OF WARRANT

STATE OF IDAHO

)

)

ss

County of Bonner

)

I, the undersigned law enforcement officer, received the above Search Warrant on the _____ day of _____ 2008, and executed the same on the _____ day of _____ 2008, at ____ o'clock ____ M.

() NONE OF THE ABOVE DESCRIBED PROPERTY WAS FOUND
ON / IN THE ABOVE-DESCRIBED VEHICLE.

() I DISCOVERED AND SEIZED THE PERSONAL PROPERTY
DESCRIBED IN THE ATTACHED WRITTEN INVENTORY.
THAT WRITTEN INVENTORY WAS MADE IN THE PRESENCE
OF _____, (the applicant for the above Search Warrant)
AND IS A TRUE AND DETAILED DESCRIPTION OF ALL
PROPERTY TAKEN BY ME PURSUANT TO THE ABOVE
SEARCH WARRANT.

() I LEFT A COPY OF THE ABOVE SEARCH WARRANT AND A
RECEIPT FOR THE PROPERTY SEIZED:

() WITH THE PERSON FROM WHOM IT WAS TAKEN.

() AT THE PLACE WHERE THE PROPERTY WAS FOUND.

DATED this _____ day of _____ 2008.

LAW ENFORCEMENT OFFICER

SUBSCRIBED AND SWORN to before me this _____ day of December,
2008.

NOTARY PUBLIC -- STATE OF IDAHO
Commission Expires: _____

STATE OF IDAHO
COUNTY OF BONNER
JUDICIAL DISTRICT
2008 DEC -8 P 1:53

BONNER COUNTY PROSECUTING ATTORNEY
Louis Marshall (ISB#6441)
Chief Deputy Prosecutor
127 South First Avenue
Sandpoint, ID 83864
(208) 263-6714
(208) 263-6726 Fax

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs-)
)
 JAMES M. ANDERSON,)
 01-01-1980)
 Defendant.)

Case No. CR-2008-7529

**NOTICE OF INTENT TO PRODUCE EVIDENCE
OF OTHER CRIMES, WRONGDOINGS OR
ACTS PURSUANT TO RULE 404, IDAHO
RULES OF EVIDENCE**

**TO: JAMES M. ANDERSON, the above-named Defendant, and your Attorney,
ISABELLA ROBERTSON**

NOTICE IS HEREBY GIVEN that at trial the State shall introduce evidence of other crimes, wrongdoings or acts pursuant to Rule 404, Idaho Rules of Evidence, including, but not limited to, acts of violence, assault and/or battery involving other persons or victims on or about October 1, 2008, at 1702 Industrial Way, Sandpoint, Idaho 83864. This incident was documented by Sandpoint Police Officer Bradley Hamilton in a police report that is attached hereto.

The State further gives notice that it may call any of the witnesses listed in Officer Hamilton's police report concerning this incident.

Said evidence and testimony is admissible for purposes including, but not limited to, motive, opportunity, intent, preparation, plan, knowledge, identity and/or absence of mistake or accident.

DATED this 5 day of December, 2008.



LOUIS E. MARSHALL

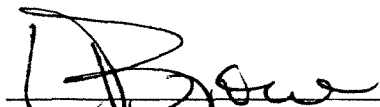
Chief Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was delivered this 8th day of Dec, 2008, to the following addresses indicated below:

Isabella Robertson

Public Defender
Courthouse mailbox
Sandpoint, ID



Legal Assistant

Dispatch Summary Statement: Sandpoint Officers investigated a battery.

OVERVIEW: On 10/01/08 at approximately 2120 hours, I was dispatched to 1702 Industrial Way in reference to a battery. On scene I contacted the victim and four witnesses. They reported that the victim was battered by two individuals while in his car during his break.

SUSPECT: Name: Ziarnick, Patrick Keith Eroso
SSN: [REDACTED]
Address: Travel America Park #60 Sagle, ID 83860
Phone: (208)304-0213

VICTIM: Name: Hines, Justin Stuart
Address: 2130 Hines Rd. Sandpoint, ID 83864
Phone: (208)290-4851

WITNESS: Name: Sceppe, Gavino
Address: 329 S Ella
Phone: (208)610-2496

WITNESS: Name: Hanson, Judith Kay
Address: 1000 Ridley Village Rd.
Phone: (208)610-1107

WITNESS: Name: Fisher, Michael Bradford
Address: 1655 S Sagle Rd. Sagle, ID 83860
Phone: (208)255-7421

WITNESS: Name: Olinger, Justin Alan
Address: 31016 Hwy 200 Ponderay, ID 83852
Phone: (425)299-8679

MENTIONED: Name: Williams, Susan Goodson
Address: 13299 E Perimeter Athol, ID 83801
Phone: (208)651-4835

MENTIONED: Name: Anderson, James M
Address: Travel America Park #60 Sagle, ID 83860
Phone: Unknown

CONTACTED: Name: Ziarnick, Chi L
Address: Travel America Park #60 Sagle, ID 83860
Phone: (208)597-4415

EVIDENCE: None
AUDIO: None
VIDEO: None
PHOTOGRAPHS: Yes
CITATION #: None
OFFICER(S) INVOLVED: B. Hamilton and B. Koch

NARRATIVE:

On 10/01/08 at approximately 2120 hours, I was dispatched to 1702 Industrial Way in reference to a battery. When I arrived on scene I contacted the victim, four witnesses, and the night shift supervisor of Unicep. The victim identified himself as Justin Stuart Hines, 10/02/79. I noticed Hines had red abrasions about the size of walnuts under and around his eyes. He had an abrasion on the right side of his neck approximately three inches in length which appeared to from his shirt being pulled around his neck. Hines had a lump behind his left ear approximately one inch in diameter. Hines also had a cut on his left ring finger about 3/8 of an inch long. Hines complained that his left arm hurt as if it had been over extended. I also noticed Hines had a tissue in his nose to prevent it from bleeding. Hines was sitting inside a dark blue 2002 Subaru.

Hines informed me of the following:

HINES' STATEMENTS:

- *He is an employee at Unicep and about ten to fifteen minutes prior to my arrival, he was taking a break out in his vehicle with the driver's side window down.
- *While smoking a cigarette someone reached their left hand through the window and grabbed him by the neck.
- *He thought it was someone joking around with him but when he tried to pry the hand off his neck, the grip got tighter.
- *At that point another individual came up to the window and began punching him in the face several times.
- *He recognized this individual to be Patrick Keith Eroso Ziarnick, 03/13/79.
- *While Patrick was punching him in the face, the other individual released his grip from his neck and climbed into the driver's side back seat and put his arm around his (Hines) neck to hold him in place.
- *He did not recall what happened next.
- *He also could not recall what hand Patrick was using to punch him.
- *He did not know who the other individual was but the individual was short and stalky wearing a short sleeved shirt.

NARRATIVE CONTINUED

When asked how he knew Patrick, Hines said he worked with Patrick at Unicep until Patrick quit working there. Hines stated that the reason Patrick beat him up was because Hines had been dating Patrick's ex-girlfriend identified as Chi L. Ziarnick, 07/24/75. After dating Hines, Chi got back together with Patrick. When asked who Hines suspected the other male to be, he informed me that it could have been Chi's brother in-law identified as James M. Anderson, 01/01/80, since Patrick now lives with Anderson. When asked what vehicle Patrick drives, Hines informed me that Patrick drives a black MPV van with a Raiders sticker on the back. Hines stated Patrick also drives a red

Nissan 2000SX, which is owned by Chi.

I made contact with a witness identified as Justin Alan Olinger, 11/01/81. He informed me of the following:

OLINGER'S STATEMENTS:

- *He was outside smoking a cigarette when he heard the victim's car horn start going off.
- *When he turned around, he noticed a male in the driver's side window punching Hines in the face.
- *He also saw another male sitting behind Hines holding him down.
- *He then ran into Unicep and informed two males, identified as Gavino Sceppe, 06-30-78, and Mike Bradford Fisher, 09/08/69, that Hines was getting beat up.
- *He then ran outside and told the two individuals to stop and then went back inside.

NARRATIVE CONTINUED

I made contact with Fisher and he reported the following:

FISHER'S STATEMENTS:

- *Someone came into Unicep and said Hines was getting beat up in his car.
- *Fisher and Sceppe ran out to Hines' car and saw Patrick leaning in Hines' driver's side window hitting Hines in the face.
- *He also saw a guy in the back seat choking Hines while Patrick was hitting Hines.
- *He yelled to Patrick "get out of here" and Sceppe pushed Patrick and told him to "get the fuck out of here".
- *The other male was standing at the rear driver's side door just before he and Patrick began walking east towards the UPS building.
- *They left in a vehicle that looked like Patrick's van out of the UPS parking lot.
- *Patrick was wearing pajama pants.
- *The other male was about 180 to 200 pounds with short blonde hair.
- *He also described the male as being five foot seven inches to five foot eight inches tall.
- *Patrick was currently employed at the Pool Hall in Sandpoint.

NARRATIVE CONTINUED

I made contact with Sceppe and he reported the following:

SCEPPE'S STATEMENTS:

- *He was on break in the Unicep building when someone ran inside and said Hines was getting beat up in his car.
- *He went outside and saw two males in Hines' car.
- *One male was in the driver's side window and the other male was in the back seat choking Hines.
- *The male in the driver's side window was punching Hines.
- *He went up the male in the window and pushed him out of the window.
- *After pushing the male, he noticed it was Patrick.
- *The other male got out of the car.
- *Patrick continued to yell at Hines and he (Sceppe) told Patrick

to "get the fuck out of here".

*Patrick and the other male left on foot and walked to the UPS area, got in their vehicle, and left the area.

*He knows Patrick from school and Patrick also used to work with him at Unicep.

NARRATIVE CONTINUED

I made contact with a female identified as Judith Kay Hanson, 01/18/50. Hanson informed me of the following:

HANSON'S STATEMENTS:

*She was going out the door for her break when Olinger came through the door and said some guys were beating on Hines in his car.

*When she went outside, she noticed Patrick halfway inside Hines' car.

*She knows Patrick from when he used to work at Unicep.

*Patrick stepped back slightly and she yelled "hey".

*She heard Patrick say "you are messing with the wrong people buddy".

*Patrick looked as if he was going to punch Hines again and she pushed Patrick and told him to "get the fuck out of here".

*At that point Patrick seemed as if he wanted to punch her but then backed off a step when he noticed who she was.

*More people came running outside and told Patrick to "get the fuck out of here".

*Patrick and the other male started walking toward the UPS building.

*She did not know who the other male was but stated he was six foot to six foot and two inches tall.

*He had a round face and head with short sandy blonde hair.

*The male was wearing pants and a dark t-shirt.

*She also noticed the male had clenched fists.

NARRATIVE CONTINUED

I took pictures of Hines' wounds and contacted the night shift supervisor at Unicep. She identified herself as Susan Goodman Williams, 10/01/55. Williams said she wanted Patrick trespassed from Unicep. I cleared the scene without any further contact.

I attempted to make contact with Patrick at Travel America Park #60. While at this location, I made contact with Chi. Chi said that Patrick was not at the residence and that she and Patrick had just gotten married. Chi stated that both Patrick and Anderson live with her at Travel America Park #60. When asked where Patrick's van was, she stated she just saw it parked across Hwy 95. Chi then contacted Patrick over the phone. Chi handed the phone over to Officer Koch.

Officer Koch asked Patrick if he would contact us at the Travel America Park. Patrick said he could not contact us because he was going to bed since he had to work in the morning. Officer Koch gave Patrick the option to contact us and give his side of the story or he would issue a warrant for his arrest. At that point Patrick hung up on Officer Koch. We cleared the scene without any further contact.

We found the van that matches the description of Patrick's vehicle across the highway from Travel America Park. The van felt very warm as if had

just been running. I observed footprints outside the passenger and driver's side of the vehicle. I took digital photographs of the foot prints. I also took pictures of the van and a Raiders sticker on the back window.

While looking through the windows of the van, I noticed two Sparks brand alcohol cans sitting in the cup holders between the two front seats. The can nearest the driver's seat appeared to be about 3/4 of the way full. I took a digital photograph of the cans. I cleared the scene without any further contact.

B. Hamilton SP33

*tr

ATTACHMENTS: Hanson, Olinger, Fisher, and Sceppe's witness statement forms. Digital photographs of Hines wounds, the van, foot prints, and alcohol cans.

STATE OF IDAHO
DISTRICT COURT
BONNER COUNTY

2008 DEC -9 P 1:38

BONNER COUNTY PROSECUTING ATTORNEY

Louis E. Marshall (ISB# 6441)

127 S. First Avenue

Sandpoint, ID 83864

Phone: (208) 263-6714

Fax: (208) 263-6726

STATE OF IDAHO
DISTRICT COURT
BONNER COUNTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant,

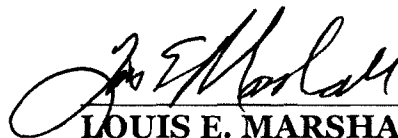
Case No. **CR-2008-7529**

**NOTICE OF INTENT TO NOT SEEK
DEATH PENALTY**

COMES NOW Louis E. Marshall, Chief Deputy Prosecuting Attorney for Bonner County, Idaho, and gives notice to the Court, Defendant and Counsel that the State of Idaho shall not seek the death penalty, nor imposition of the penalty of death upon the conviction of the Defendant in the above-entitled matter.

Such notice is given pursuant to and to provide a prompt compliance with Idaho Code §§18-4004 and 18-4004A.

DATED this 7th day of December, 2008.



LOUIS E. MARSHALL

Chief Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY


I hereby certify that a true and correct copy of the foregoing was delivered this 8th
day of Dec., 2008, to:

Office of Public Defender
Attorneys at Law
Courthouse mailbox
Sandpoint, ID

Hon. John Luster
Administrative District Judge
P.O. Box 9000
Coeur d'Alene, ID 83816-9000

Hon. Steve Verby
District Judge
Courthouse mail
Sandpoint, ID

Hon. Debra Heise
Magistrate of the District Court
Courthouse mail
Sandpoint, ID



Legal Assistant

BONNER COUNTY PUBLIC DEFENDER
Isabella Robertson (ISBN: 6068)
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DISTRICT

2008 DEC 10 A 11:12

MARIE SCOTT
 CLERK DISTRICT COURT

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
 MAGISTRATE DIVISION**

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

**WAIVER OF SPEEDY
 PRELIMINARY HEARING**

The above-named defendant, **JAMES M. ANDERSON**, having been advised of his right to a preliminary hearing within fourteen (14) days of his first appearance, if in custody, and within twenty-one (21) days, if out of custody, hereby voluntarily and intelligently waives his right to a speedy preliminary hearing in the above-entitled matter.

DATED this 9th day of December, 2008.


JAMES M ANDERSON

Approved:


ISABELLA ROBERTSON
PUBLIC DEFENDER

WAIVER OF SPEEDY PRELIMINARY HEARING

Page 1

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 9th day of December, 2008, addressed to:

Bonner County Prosecutor
Fax: 263-6726.

Clair Walpole

BONNER COUNTY PUBLIC DEFENDER
Isabella Robertson (ISBN: 6068)
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2008 DEC 10 P 12:01

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

CLERK DISTRICT COURT
cap
DEPUTY

STATE OF IDAHO,

Plaintiff,

V.

JAMES M ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

ORDER TO CONTINUE
PRELIMINARY HEARING

The Court having before it the Stipulated Motion to Continue Preliminary Hearing and good cause appearing; now, therefore

IT IS HEREBY ORDERED that the preliminary hearing scheduled for December 10, 2008 is to be continued reset on December 17th, 2008.

DATED this 10 day of December, 2008.

Eugene A. Murano
JUDGE

CLERK'S CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was personally served by *faxing* ~~placing a copy of the same in the interoffice mailbox~~ on the 10 day of December, 2008, addressed to:

Bonner County Public Defender
Bonner County Prosecutor

BCSO Jail - faxed

Cap
Deputy Clerk

ORDER TO CONTINUE PRELIMINARY HEARING

Page 1

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

BONNER COUNTY PROSECUTING ATTORNEY

127 South First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

2008 DEC 16 A 8:56

CLERK DISTRICT

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No.: **CR-2008-7529**

SEARCH WARRANT

ORIGINAL

County of BONNER, STATE OF IDAHO, to:

Detective Howard Burke, Bonner County Sheriff's Office, or any Deputy Sheriff,
constable, marshal, policeman or other peace officer in Bonner County.

Proof of testimony under oath having been presented to me by Detective Howard
Burke, that there is probable cause to believe that certain property, to-wit:

**Bullet(s), ammunition, firearms, weapons, fingerprints, hair, clothing and
proof of ownership located in a 1979 Chevrolet Luv pickup truck bearing
Idaho license number 7B-B3632, VIN #CRN1498283103, with the registered
owner showing as Elvin D. Holt.**

Which is evidence of the criminal offense of:

Murder

SEARCH WARRANT - 1.

And is presently located at the premises described as follows:

Bonner County Sheriff's Office, 4001 North Boyer, Sandpoint, Idaho 83864.

WHEREFORE, you are commanded to:

1. Forthwith search the above-described **vehicle** within 14 day(s)/hour(s), for the above-described property, which search shall be conducted **in the daytime/at anytime/day or night.**
2. If the above-described property, or any part thereof, is found, then prepare a written inventory, describing the property in detail, in the presence of the person from whom it was taken, or in that person's absence, in the presence of some credible person.
3. If the above-described property, or any part thereof, is found, then seize said property and leave a copy of this warrant, and a receipt that describes in detail the property seized, with the person from whom it was taken, or in the place where said property was found.
4. Return this search warrant, and the property seized, and the written inventory to any First Judicial District Magistrate Judge by the 17 day of December 2008, by the hour of 5P.M.

DATED this 3 day of December 2008.

Debra A. Hesi
MAGISTRATE

RETURN OF WARRANT

STATE OF IDAHO)

County of Bonner)

ss

I, the undersigned law enforcement officer, received the above Search Warrant on the 3 day of December 2008, and executed the same on the 3 day of December 2008, at 130 o'clock P M.

() NONE OF THE ABOVE DESCRIBED PROPERTY WAS FOUND ON / IN THE ABOVE-DESCRIBED VEHICLE.

() I DISCOVERED AND SEIZED THE PERSONAL PROPERTY DESCRIBED IN THE ATTACHED WRITTEN INVENTORY. THAT WRITTEN INVENTORY WAS MADE IN THE PRESENCE OF _____, (the applicant for the above Search Warrant) AND IS A TRUE AND DETAILED DESCRIPTION OF ALL PROPERTY TAKEN BY ME PURSUANT TO THE ABOVE SEARCH WARRANT.

(x) I LEFT A COPY OF THE ABOVE SEARCH WARRANT AND A RECEIPT FOR THE PROPERTY SEIZED:

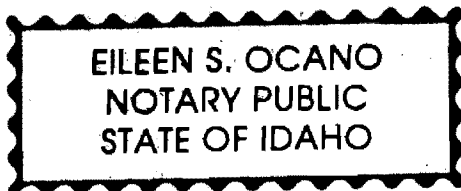
() WITH THE PERSON FROM WHOM IT WAS TAKEN.

(x) AT THE PLACE WHERE THE PROPERTY WAS FOUND.

DATED this 15 day of December 2008.

[Signature]
LAW ENFORCEMENT OFFICER

SUBSCRIBED AND SWORN to before me this 15 day of December, 2008.



Eileen S. Ocano
NOTARY PUBLIC -- STATE OF IDAHO
Commission Expires: 7-7-09

1979 Chevy Luv
7B-B3632
VIN: CRN1498283103

Search for weapons, firearms, fingerprints, hair, clothing.
Registered owner: Elvin D. Holt

Impound

BONNER COUNTY SHERIFF

PROPERTY RECEIPT

DATE: 12/03/08

CASE NUMBER: B-019839

VICTIM: Elvin Holt

CLAIMED BY: K. Rivera + Dean Satchwell

ARTICLE	SERIAL NUMBER, COLOR, ETC.
1. <u>Registration For Ford Truck in Ian J Frer's Name</u>	
2. _____	
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	
9. _____	
10. _____	
11. _____	
12. _____	
13. _____	
14. _____	
15. _____	

RECEIVED BY _____

WITNESS: _____

BONNER COUNTY SHERIFF

PROPERTY RECEIPT

DATE: 12/03/08

CASE NUMBER: 08-019839

VICTIM: Elvin Holt

CLAIMED BY: K. Rivera + Dean Sathwell

ARTICLE	SERIAL NUMBER, COLOR, ETC.
1.	<u>Registration for Chevy Luv Truck in Elvin D. Holt's Name</u>
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

RECEIVED BY _____

WITNESS: _____

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT JUDGE

2008 DEC 16 A 8:56

BONNER COUNTY PROSECUTING ATTORNEY

127 South First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

CLERK DISTRICT

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No.: **CR-2008-7529**

AMENDED SEARCH WARRANT

ORIGINAL

County of BONNER, STATE OF IDAHO, to:

Detective Howard Burke, Bonner County Sheriff's Office, or any Deputy Sheriff,
constable, marshal, policeman or other peace officer in Bonner County.

Proof of testimony under oath having been presented to me by Detective Howard
Burke, that there is probable cause to believe that certain property, to-wit:

Bullet(s) ammunition, shell casings, blood, bone, body tissue matter,
firearms, weapons, fingerprints, hair, clothing, proof of ownership,
evidence of trajectory, glass located in a 2001 Ford F250 truck bearing VIN#
1FTNW21681EA02003 with registered owner showing as Ian J. Freir.

Which is evidence of the criminal offense of:

Murder

AMENDED SEARCH WARRANT - 1.

And is presently located at the premises described as follows:

Bonner County Sheriff's Office, 4001 North Boyer, Sandpoint, Idaho 83864.

WHEREFORE, you are commanded to:

1. Forthwith search the above-described **vehicle** within 14 day(s)/hour(s), for the above-described property, which search shall be conducted **in the daytime/at anytime/day or night.**
2. If the above-described property, or any part thereof, is found, then prepare a written inventory, describing the property in detail, in the presence of the person from whom it was taken, or in that person's absence, in the presence of some credible person.
3. If the above-described property, or any part thereof, is found, then seize said property and leave a copy of this warrant, and a receipt that describes in detail the property seized, with the person from whom it was taken, or in the place where said property was found.
4. Return this search warrant, and the property seized, and the written inventory to any First Judicial District Magistrate Judge by the 17 day of December 2008, by the hour of 5P.M.

DATED this 3 day of December 2008.

William A. Burke
MAGISTRATE

RETURN OF WARRANT

STATE OF IDAHO

County of Bonner

)
) ss
)

I, the undersigned law enforcement officer, received the above Search Warrant on the 3 day of December 2008, and executed the same on the 3 day of December 2008, at 1330 o'clock P M.

() NONE OF THE ABOVE DESCRIBED PROPERTY WAS FOUND ON / IN THE ABOVE-DESCRIBED VEHICLE.

() I DISCOVERED AND SEIZED THE PERSONAL PROPERTY DESCRIBED IN THE ATTACHED WRITTEN INVENTORY. THAT WRITTEN INVENTORY WAS MADE IN THE PRESENCE OF _____, (the applicant for the above Search Warrant) AND IS A TRUE AND DETAILED DESCRIPTION OF ALL PROPERTY TAKEN BY ME PURSUANT TO THE ABOVE SEARCH WARRANT.

(x) I LEFT A COPY OF THE ABOVE SEARCH WARRANT AND A RECEIPT FOR THE PROPERTY SEIZED:

() WITH THE PERSON FROM WHOM IT WAS TAKEN.

(x) AT THE PLACE WHERE THE PROPERTY WAS FOUND.

DATED this 15 day of December 2008.

[Signature]
LAW ENFORCEMENT OFFICER

SUBSCRIBED AND SWORN to before me this 15 day of December, 2008.



[Signature]
NOTARY PUBLIC -- STATE OF IDAHO
Commission Expires: 7-7-09

AMENDED SEARCH WARRANT - 3.

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
JAN 1 2009

2008 DEC 16 A 8:55

Defendant Disposition:
James M Anderson
468000 Hwy 95 #60 Sagle, ID 83860

CLERK DISTRICT

Witness Disposition: PER Personal Service
Jennifer Leanne Anderson
488100 Hwy 95 S; #60; PO Sagle, ID 83860
Served on: 12th day of December, 2008 by Peasha, J
Served to: Jennifer Anderson ()
488100 Hwy 95 S; #60; PO Sagle, ID 83860

Plaintiff Disposition:
State of Idaho

Process Number: C08-02315

Court Number: CR08-7529

I, Elaine M Savage, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 11th day of December, 2008.

Dated the 15th day of December, 2008

Fees:

Service: 0.00
Mileage: 0.00
Other : 0.00
Total : 0.00

Elaine M Savage, Sheriff
Bonner County Sheriff's Office, IDAHO
BY: Peasha Moore
Authorized Representative
Civil Division

Comments

DEC 11 2008 AM 10:20

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)

Plaintiff,)

vs.)

JAMES M. ANDERSON,)

DOB: [REDACTED])

Defendant.)

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

JENNIFER LEANNE ANDERSON
468800 Hwy. 95 S., #60, Sagle, ID

PHONE: 208-304-5760

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: December 17, 2008
TIME: 1:30 p.m.
Preliminary Hearing

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th day of December, 2008.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL
CHIEF DEPUTY PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

December 10, 2008-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

Defendant Disposition: 2008 DEC 16 A 8:55
James M Anderson
468000 Hwy 95 #60 Sagle, ID 83860

HANE
CLERK DISTRICT

Witness Disposition: PER Personal Service
Patrick Keith Eroso Ziarnick
155 Gold Creek road Sandpoint, ID 83864
Served on: 12th day of December, 2008 by Peasha, J
Served to: Patrick Ziarnick
Bonner Co Jail Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C08-02314

Court Number: CR08-7529

I, Elaine M Savage, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 11th day of December, 2008.

Dated the 15th day of December, 2008

Fees:
Service: 0.00 Elaine M Savage, Sheriff
Mileage: 0.00 Bonner County Sheriff's Office, IDAHO
Other : 0.00
Total : 0.00
BY: Elaine M Savage
Authorized Representative
Civil Division

Comments

DEC 11 2008 AM 10:20

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

PATRICK ZIARNICK

155 Gold Creek Road, Sandpoint, ID

PHONE: 208-304-0213

DOB:

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: December 17, 2008
TIME: 1:30 p.m.
Preliminary Hearing

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th day of December, 2008.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

CHIEF DEPUTY PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

December 10, 2008-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2008 DEC 16 A 8:55

Defendant
James M Anderson
468000 Hwy 95 #60

Disposition:
Sagle, ID 83860

CLERK'S OFFICE

Witness
Ian James Freir
PO Box 271

Disposition: PER Personal Service

Ponderay, ID 83852
Served on: 12th day of December, 2008 by Moore, D
Served to: Ian Freir
Sheriff's Office Sandpoint, ID 83864

Plaintiff
State of Idaho

Disposition:

Process Number: C08-02313

Court Number: CR08-7529

I, Elaine M Savage, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 11th day of December, 2008.

Dated the 15th day of December, 2008

Fees:

Service: 0.00
Mileage: 0.00
Other : 0.00
Total : 0.00

Elaine M Savage, Sheriff
Bonner County Sheriff's Office, IDAHO

BY: Elaine Moore
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
 Sandpoint, ID 83864
 (208) 263-6714
 Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)

Plaintiff,)

vs.)

Case No. **CR-2008-7529****JAMES M. ANDERSON,**)**SUBPOENA**

Incident No. 08-019839)

Defendant.)

THE STATE OF IDAHO TO:**IAN FREIR****312 Cocolalla, Sandpoint, ID/POB 271, Ponderay, ID****PHONE: 208-304-2271****DOB:** [REDACTED]

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: December 17, 2008**TIME: 1:30 p.m.****Preliminary Hearing**

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th day of December, 2008.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL**CHIEF DEPUTY PROSECUTING ATTORNEY**

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

December 10, 2008-lmb

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

BONNER COUNTY PUBLIC DEFENDER
Isabella Robertson (ISBN: 6068)
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

2008 DEC 17 A 9:23

MARIE SCOTT
CLERK DISTRICT COURT

DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

STIPULATED MOTION TO CONTINUE
PRELIMINARY HEARING

COME NOW the parties, Defendant, James M. Anderson, by and through Isabella Robertson, Bonner County Public Defender, and the State of Idaho by and through Louis Marshall, Chief Deputy Prosecuting Attorney, and respectfully move the Court for an Order to continue the Defendant's preliminary hearing in the above-entitled matter, scheduled December 17, 2008, at 1:30 p.m., to a date three (3) weeks later.

The foregoing motion is made on the basis that the defense has not yet received full discovery, and it is in the Defendant's best interest to have full discovery in this case before going to preliminary hearing. Defendant has signed a Waiver of Speedy Preliminary Hearing consenting to have the preliminary hearing continued for a period of three (3) weeks.

DATED this 17th day of December, 2008.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BONNER COUNTY PROSECUTING
ATTORNEY'S OFFICE

BY:

ISABELLA ROBERTSON
PUBLIC DEFENDER

BY:

LOUIS MARSHALL
CHIEF DEPUTY PROSECUTING ATTORNEY

STIPULATED MOTION TO CONTINUE PRELIMINARY HEARING

Page 1

* The state requests a one full day hearing setting
No objection per defense.

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by facsimile on the 17th day of December, 2008, addressed to:

Louis Marshall
Chief Deputy Prosecuting Attorney
Fax: 263-6726.

Clara Walpole

BONNER COUNTY PUBLIC DEFENDER
Isabella Robertson (ISBN: 6068)
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2008 DEC 17 A 9 23

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

CLERK OF DISTRICT COURT
DET. Y

STATE OF IDAHO,

Plaintiff,

V.

JAMES M ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

WAIVER OF SPEEDY
PRELIMINARY HEARING

The above-named defendant, JAMES M ANDERSON, having been advised of his right to a preliminary hearing within fourteen (14) days of his first appearance, if in custody, and within twenty-one (21) days, if out of custody, hereby voluntarily and intelligently waives his right to a speedy preliminary hearing in the above-entitled matter and consents to have the preliminary hearing set three (3) weeks from December 17, 2008, in that the defense has not yet received full discovery in the case, and it is in my best interest to have full discovery prior to going to preliminary hearing in this case.

DATED this 16th day of December, 2008.

James M. Anderson
JAMES M ANDERSON

Approved:

Isabella Robertson

ISABELLA ROBERTSON
PUBLIC DEFENDER

WAIVER OF SPEEDY PRELIMINARY HEARING

Page 1

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or by facsimile on the 17th day of December, 2008, addressed to:

Louis Marshall
Chief Deputy Prosecuting Attorney
Fax: 263-6726.

Clair Walpole

BONNER COUNTY PUBLIC DEFENDER
Isabella Robertson (ISBN: 6068)
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2008 DEC 17 A 10 24

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

MADE SCOTT
CLERK OF COURT
DEPUTY

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

ORDER TO VACATE AND CONTINUE
PRELIMINARY HEARING

The Court having before it the Stipulated Motion to Continue Preliminary Hearing on file herein, and good cause appearing; now, therefore,

IT IS HEREBY ORDERED that the preliminary hearing currently scheduled December 17, 2008, 2008, at 1:30 p.m. in this matter be and hereby is vacated and continued, to be rescheduled to a date three (3) weeks later.

DATED this 12 day of December, 2008.

MAGISTRATE JUDGE

CLERK'S CERTIFICATE

I hereby certify that true and correct copies of the foregoing were personally served by courthouse mail or facsimile on the 17th day of December, 2008, addressed to:

Isabella Robertson.
Bonner County Public Defender
Fax: 255-7559

Louis Marshall
Chief Deputy Prosecuting Attorney
Fax: 263-6726.

A handwritten signature, possibly reading "JB", is written over a horizontal line.

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2008 DEC 23 A 11: 01

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

ORIGINAL

BONNER COUNTY PROSECUTING ATTORNEY
127 South First Avenue
Sandpoint, ID 83864
(208) 263-6714 Fax: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,
2001 Ford F250
VIN#1FTNW21581EA02003
(Register owner Ian J. Freir)

Defendant.

Case No.: CR-2008-000

SEARCH WARRANT

County of BONNER, STATE OF IDAHO, to:

Howard Burke, Bonner County Sheriff's Office, or any Deputy Sheriff, constable,
marshal, policeman or other peace officer in Bonner County.

Proof of testimony under oath having been presented to me by Howard Burke,
that there is probable cause to believe that certain property, to-wit:

**Bullet(s) ammunition, blood, bone, body tissue matter, firearms, weapons,
fingerprints, hair, clothing, proof of occupancy, glass.**

Which is evidence of the criminal offense of:

Murder

SEARCH WARRANT - 1.

in the vehicle described in the caption of this SW and located
And is presently located at the premises described as follows:

Bonner County Sheriff's Office, 4001 North Boyer, Sandpoint, Idaho 83864.

WHEREFORE, you are commanded to:

1. Forthwith search the above-described **vehicle** within 5 day(s)/hour(s), for the above-described property, which search shall be conducted **in the daytime/at anytime/day or night.**
2. If the above-described property, or any part thereof, is found, then prepare a written inventory, describing the property in detail, in the presence of the person from whom it was taken, or in that person's absence, in the presence of some credible person.
3. If the above-described property, or any part thereof, is found, then seize said property and leave a copy of this warrant, and a receipt that describes in detail the property seized, with the person from whom it was taken, or in the place where said property was found.
4. Return this search warrant, and the property seized, and the written inventory to any First Judicial District Magistrate Judge by the 12 day of December 2008, by the hour of 5:00 P.M.

DATED this 28 day of November 2008.

Debra A. Herke
MAGISTRATE

RETURN OF WARRANT

STATE OF IDAHO

)

)

ss

County of Bonner

)

I, the undersigned law enforcement officer, received the above Search Warrant on the _____ day of _____ 2008, and executed the same on the _____ day of _____ 2008, at ____ o'clock ____ M.

- () **NONE OF THE ABOVE DESCRIBED PROPERTY WAS FOUND ON / IN THE ABOVE-DESCRIBED VEHICLE.**
- () **I DISCOVERED AND SEIZED THE PERSONAL PROPERTY DESCRIBED IN THE ATTACHED WRITTEN INVENTORY. THAT WRITTEN INVENTORY WAS MADE IN THE PRESENCE OF _____, (the applicant for the above search warrant) AND IS A TRUE AND DETAILED DESCRIPTION OF ALL PROPERTY TAKEN BY ME PURSUANT TO THE ABOVE SEARCH WARRANT.**
- () **I LEFT A COPY OF THE ABOVE SEARCH WARRANT AND A RECEIPT FOR THE PROPERTY SEIZED:**
- () **WITH THE PERSON FROM WHOM IT WAS TAKEN.**
- () **AT THE PLACE WHERE THE PROPERTY WAS FOUND.**

DATED this _____ day of _____ 2008.

LAW ENFORCEMENT OFFICER

SUBSCRIBED AND SWORN to before me this _____ day of _____ 2008.

*Return
came w/
amended
search
warrant
on 12/15/08*

SE.

NOTARY PUBLIC -- STATE OF IDAHO
Commission Expires: _____

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 JAN 15 P 1:14

Defendant Disposition:
James Mathew Anderson
468000 Hwy 95 #60 Sagle, ID 83860

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

Witness Disposition: PER Personal Service
Patrick Keith Eroso Ziarnick
468800 Highway 95; Travel Sagle, ID 83860
Served on: 6th day of January, 2009 by Peasha, J
Served to: Patrick Ziarnick ()
Bonner Co Jail Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-00015

Court Number: CR08-7529

I, Elaine M Savage, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 5th day of January, 2009.

Dated the 8th day of January, 2009

Fees:		
Service:	0.00	Elaine M Savage, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: Radha Moore
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

PATRICK ZIARNICK

155 Gold Creek Road, Sandpoint, ID

PHONE: 208-304-0213

03-13-1979

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: January 21, 2009

TIME: 1:30 p.m.

Preliminary Hearing

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 2nd day of January, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

CHIEF DEPUTY PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

January 2, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 JAN 15 P 1:14

Defendant Disposition:
James Mathew Anderson
468000 Hwy 95 #60 Sagle, ID 83860

Witness Disposition: NFR Not Found
Jennifer Leanne Anderson
488100 Hwy 95 S; #60; PO Sagle, ID 83860
UNSERVED

Plaintiff Disposition:
State of Idaho

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

Process Number: C09-00014

Court Number: CR08-7529

I, Elaine M Savage, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 5th day of January, 2009.

Dated the 8th day of January, 2009

Fees:

Service:	0.00	Elaine M Savage, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: Anna Moon
Authorized Representative
Civil Division

Comments
per brother, Anderson is in Oklahoma & will be back for court

JAN 5 2009 AM 10:37

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

JENNIFER LEANNE ANDERSON

468800 Hwy. 95 S., #60, Sagle, ID

PHONE: 208-304-5760

12-09-1980

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: January 21, 2009

TIME: 9:00 a.m.

Preliminary Hearing

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 2nd day of January, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

CHIEF DEPUTY PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

January 2, 2009-lmb

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON

Defendant.

CASE NO. CR-2008-7529

ORDER HOLDING DEFENDANT
TO ANSWER

Preliminary hearing having been () waived (☒) held in this case on the 21st day of
January, 20 09 and the Court being fully satisfied that a public offense has been
committed, and that there is probable or sufficient cause to believe the defendant guilty thereof;

IT IS HEREBY ORDERED that the defendant herein be held to answer in the District Court of the
First Judicial District of the State of Idaho, in and for the County of Bonner, to the charge of:

118-4001; 18-4002; 18-4003 ~~18-4004~~ ^{SECOND} ~~FIRST~~ DEGREE MURDER, a Felony

a felony committed in Bonner County, Idaho, on or about the 27th day of November, 2008
20 08.

IT IS FURTHER ORDERED that the defendant herein shall be arraigned before the District Court of
the First Judicial District of the State of Idaho, in and for the County of Bonner on the 17th day of
February, 20 09, at 9:00 am .m., before the Honorable Steven C. Verby,
who shall be the presiding judge in this action.

- () Defendant is continued released on the bond posted.
() Defendant is continued released on his own recognizance.
() YOU, THE SHERIFF OF BONNER COUNTY, IDAHO, are commanded to receive him, the said
defendant, into your custody and detain him until he is legally discharged. Defendant is to be admitted to bail in
the sum of \$ _____

Dated this 21 day of January, 20 09.

[Signature]
Magistrate

I hereby certify that a true and correct copy of the foregoing was (mailed) (hand delivered) this 21st day of
January, 20 09, to:

[Signature]
Deputy Clerk

() PA (☒) DEF/ATTY () SHERIFF

ORDER HOLDING DEFENDANT TO ANSWER

☒ ADULT

☐ JUVENILE

STATE OF IDAHO
County of Bonner } ss
FILED 1-21-09
AT 9:00 O'Clock AM
CLERK, DISTRICT COURT
Deputy mm

JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: SULLIVAN

CASE NO. CLOB - 7529

(SUBJECT'S FIRST NAME)

(SUBJECT'S MIDDLE NAME)

(SUBJECT'S LAST NAME)

☒ SUBJECT APPEARED IN COURT ON: 01-21-09 AT 0900 AM

☒ SUBJECT IS TO: ☐ BE OR'D
☐ BE RELEASED BY JUDGES ORDER

☒ REMAIN IN CUSTODY

☐ BE RELEASED/TIME SERVED
☐ BE RELEASED TO PARENT/PTA

☒ BOND \$ UNCHANGED

☐ MUST SIGN WAIVER OF EXTRADITION

☐ WORK RELEASE/SEARCH GRANTED

☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

☐ SENTENCED TO: ☐ _____ DAYS IMPOSED ☐ _____ HOURS ON SHERIFF'S LABOR PROGRAM.
☐ _____ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**
☐ _____ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**
☐ _____ DAYS CREDIT _____, 20____.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: _____ AT _____ M
☐ BREATH OR U/A TEST ORDERED _____ X'S WEEKLY ON: _____ AT _____ M
☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED _____ YEAR (S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN _____ AND NOT MORE THAN _____
IN THE IDAHO STATE DEPT. OF CORRECTIONS.
☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON _____ YEARS PROBATION.
☐ SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 180 DAYS.
☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE _____ DAYS LOCAL JAIL.

CHARGES PRELIM -
MURDER I -

BOUND OVER ON: MURDER II

JUDGE'S ORDER: SUBJECT IS TO REMAIN IN CUSTODY.

ARRAIGNMENT: 02-17-09 @ 0900 AM

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

BAILIFF

STATE OF IDAHO)
 County of Bonner)
 FILED 12109 AT 900A M)
 CLERK, DISTRICT COURT

BY sm DEPUTY

EXHIBIT LIST

JUDGE: JUSTIN W. JULIAN
 PROCEEDINGS: PRELIMINARY HRG
 CLERK: M. SECK

CASE NO. CR-2008-7529

DATE: JAN 21, 2009

TIME: 9:00 AM

STATE OF IDAHO

Plaintiff / Petitioner

Atty: LOUIS MARSHALL

Vs JAMES M. ANDERSON

Defendant / Respondent

ISABELLA ROBERTSON

S T A T E	P L F	D E F	ITEM	MARK'D	OFFR'D	ADMIT'D	REJCT'D	ADMIT'D STIP	RULING RESV'D
4			PHOTOGRAPH OF WEAPON	X	X	X			
5			PHOTOGRAPH OF SCENE	X	X	X			
6			PHOTOGRAPH OF SCENE	X	X	X			
7			PHOTOGRAPH - AUTOPSY	X	X	X			
9			PHOTOGRAPH - AUTOPSY	X	X	X			
10			911 DISC	X	X	ADMITTED ONLY FOR PRELIM			
11			DRAWING - ILLUSTRATIVE PURPOSES ONLY						
12			AUTOPSY REPORT AND FINDINGS	X	X	X			
13			STATEMENT OF DEFENDANT 2 PGS	X	X	X			

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: JUSTIN W. JULIAN
DIVISION: MAGISTRATE
CLERK: MISSY SECK

CASE NO. CR-2008-7529
DATE: JAN 21, 2009 TIME: 9:00 AM
CD # 09-029

STATE OF IDAHO

vs JAMES M. ANDERSON

Plaintiff / Petitioner

Defendant / Respondent

Atty: LOUIS MARSHALL

Atty: ISABELLA ROBERTSON

SUBJECT OF PROCEEDINGS
CHARGE

PRELIMINARY HEARING

INDEX	SPEAKER	PHASE OF CASE
1016	J	Calls Case
		PRESENT: LOUIS MARSHALL; DETECTIVE BURKE; ISABELLA ROBERTSON; DEFENDANT IN CUSTODY;
	J	READS FROM CRIMINAL COMPLAINT THE CHARGE. PURPOSE OF PRELIMINARY HEARING.
	J	ANY PRELIMINARY ISSUES
	IR	YES. MOVE FOR WITNESSES BE EXCLUDED AND BE ADMONISHED
	LM	NO OBJECTION. DET BURKE TO REMAIN, INVESTIGATIVE OFFICER.
	J	WILL ALLOW.
	LM	IDENTIFIES WITNESSES.
	J	ALL OF THE WITNESSES IDENTIFIED BY STATE NEED TO WAIT IN HALL UNTIL SUMMONED. DON'T DISCUSS ANY TESTIMONY WHILE WAITING.
	J	ANYTHING FURTHER
	COUNSEL	NO
	LM	CALL OFFICER MATTINGLEY
	SWORN	CLINT MATTINGLEY
	LM	DIRECT
	CM	BCSO. DESCRIBES DUTIES AND EMPLOYMENT HISTORY. ON DUTY THAT NIGHT. DISPATCHED TO SCENE OF SHOTS FIRED. AT TRAVEL AMERICA PARK. SPACE 60. FAMILIAR WITH THAT PARK, IN SAGLE IDAHO, BONNER COUNTY IDAHO. I WAS LEAVING THE BCSO AT THE TIME, LOCATED ON NORTH SIDE TOWN. APPROXIMATELY 7 TO 8 MILES. DESCRIBES ROUTE. RUNNING LIGHTS AND SIREN.
1021	CM	I WAS SECOND IN LINE AT SCENE. ANOTHER DEPUTY IN FRONT OF ME. DESCRIBES TRAILER PARK. SPACE 60 IS VERY LAST PROPERTY AT END OF ROW. HAD GENERAL IDEA WHERE IT WAS FROM PRIOR CONTACTS WITH THIS PARK. KNEW PRETTY MUCH WHERE WE WERE GOING.
1023	CM	DEPUTY WIENS WAS IN SUV IN FRONT OF ME. I WAS IN DODGE CHARGER. HE PULLED IN APPROX. SPACE 59 CROSSWAYS INTO ROAD. I PULLED IN BEHIND AND TURNED OFF LIGHTS. I TOOK UP POSITION BEHIND PARKED CAR. ADVISED WIENS TO ACTIVATE SPOTLIGHT. ONLY LIGHTS BACK THERE ARE FRONT PORCH LIGHTS. DON'T RECALL THERE BEING ANY STREET LIGHTS. AS I TOOK UP MY POSITION, MORE DEPUTIES ARRIVED. ADVISED WIENS TO CALL OUT THE SUBJECTS NAME. DISPATCH ADVISED THEY WERE ON THE PHONE WITH SUSPECT AND TALKING TO HIM. DEPUTY CALLED OUT TO COME OUT. I COULD SEE IN THAT DIRECTION A BODY.
1025	CM	EXCUSE ME, I COULD SEE A BODY LAYING FLAT ON HIS BACK.

	LM	STATE'S EXHIBIT 5
	CM	I DID NOT TAKE THAT PICTURE. BLUE PARKED CAR. MALE SUBJECT ON HIS BACK. WHITE TRUCK OUT IN ROADWAY. IT WAS NOSE IN TOWARDS TRAILER NO 60. THERE ARE TWO VEHICLES OFF THE ROADWAY AND ONE ON THE ROADWAY. THERE IS A SUBSTANCE NEXT TO THE BODY.
	LM	ASK FOR ADMISSION
	IR	NO OBJECTION
	J	STATE'S EXHIBIT 5 IS ADMITTED
	LM	STATE'S EXHIBIT 6
	CM	ANOTHER PHOTOGRAPH. SHOWS TRAILER. DESCRIBES. THE SAME AS WHEN I FIRST ARRIVED EXCEPT TRAILER DOOR WAS WIDE OPEN
	LM	ASK FOR IT'S ADMISSION
	IR	NO OBJECTION
	J	STATE'S EXHIBIT 6 IS ADMITTED
	LM	CONTINUES DIRECT
1029	CM	DEPUTY WIENS CALLED HIM OUT. HE CAME OUT, HAD A CELL PHONE IN HIS HAND. DEPUTY WEIDEBUSH AND MARTINEZ BROUGHT HIM DOWN AND PUT ON CUFFS. IDENTIFIES DEFENDANT AS PERSON. DEFENDANT IN COURTROOM.
	CM	I ASKED MR. ANDERSON WHO ELSE WERE IN TRAILER AND WHERE THE WEAPON WAS. HE TOLD ME WIFE AND SON, AND WHERE THE WEAPON WAS. I ANNOUNCED MYSELF BEFORE ENTERING TO FEMALE, SHE ANSWERED, SHE SAID SHE WAS IN HOUSE, TWO CHILDREN AND ANOTHER MALE. THEY WERE ALL WITHIN THE INSIDE OF THE DOORWAY. DESCRIBES.
1032	CM	WAS ABLE TO IDENTIFY HER AS SUBJECT'S WIFE. THERE WAS AN INFANT AND OTHER CHILD OLD ENOUGH TO TALK, DON'T KNOW AGES. BOTH MALES. DIDN'T QUESTION CHILDREN. OTHER INDIVIDUAL WAS LAYING ON COUCH UNDER SOME COVERS. HAD TO WAKE HIM OR GET HIS ATTENTION. REMOVED COVERS FOR SAFETY. FROM TIME OF DISPATCH TO TIME OF GOING INTO TRAILER WAS ABOUT 10 MINUTES. VERY SHORT TIME. WERE DRIVING 80 TO 90 MPH ONCE ON HIGHWAY. SOME POINT LATER MAN ON COUCH WAS IDENTIFIED. JOSH RUSSELL WAS HIS NAME. SEEMED ODD THAT HE WAS ASLEEP SINCE SHOTS HAD BEEN FIRED. SOMEHOW HE WAS EXTREMELY WET. SMELLED ODOR OF ALCOHOL.
1034	CM	THERE WAS A COMMENT MADE THAT THEY HAD BEEN DEER HUNTING AND HAD CONSUMED A LOT OF ALCOHOL. NO ONE ELSE IN TRAILER. OUTSIDE THE TRAILER I SAW DECEASED MAN AND MR. ANDERSON. NO ONE ELSE AT SCENE OTHER THAN FELLOW DEPUTIES. THERE WAS A MAKESHIFT TABLE THAT THEY HAD THEIR THANKSGIVING ON. RIGHT ON END OF THAT TABLE, THE WEAPON WAS LAYING
		STATE'S EXHIBIT 4
	CM	45 MAGNUM. THIS IS THE WEAPON THAT WAS ON THE TABLE. I DID NOT TOUCH IT. I TOOK MY PEN DRAWING AN OUTLINE IN CASE THE TABLE GOT KNOCKED OVER.
	IR	SUSTAINED LEADING
	J	SUSTAINED
	CM	DESCRIBES MAKESHIFT TABLE. DESCRIBES DRAWING OUTLINE
	LM	ASK FOR ADMISSION
	IR	NO OBJECTION
	J	STATE'S EXHIBIT # 4 IS ADMITTED
	CM	I WAS IN THE TRAILER FOR APPROXIMATELY 4 HOURS. PURPOSE WAS TO KEEP MR. RUSSELL AND MS. ANDERSON FROM DISCUSSING WHAT HAPPENED.
	LM	NOTHING FURTHER
	IR	NO QUESTIONS
	LM	STATE CALLS JENNIFER ANDERSON
1038	SWORN	JENNIFER LEANN ANDERSON

	LM	DIRECT
	LA	I GO BY LEANN. MARRIED TO THE DEFENDANT. I CURRENTLY AM LIVING OUT OF STATE, RATHER NOT SAY WHERE. AT INCIDENT TIME I WAS LIVING IN SPACE 60 IN SAGLE. TWO SONS. NO ONE ELSE LIVED THERE WITH ME. LIVED THERE A LITTLE OVER TWO YEARS. BEFORE THANKSGIVING, MY STEP-SISTER LIVED WITH ME. HER NAME IS CHI. LIVED WITH US 4 MONTHS, FROM JUNE 08 TO AUGUST 08 OR EARLY SEPTEMBER 08. ROUGHLY 4 MONTHS. I KNOW PATRICK ZIARNICK. THAT'S CHI'S HUSBAND.
1042	LA	PATRICK STAYED WITH US, PROBABLY ABOUT HALF WAY THROUGH THE TIME THAT CHI WAS WITH US, ABOUT 2 MONTHS. I THINK THERE WAS A FRIEND THAT STAYED WITH US FOR A LITTLE WHILE, I THINK BILL ROSS. DIDN'T KNOW HIM THAT WELL. JAMES WAS TRYING TO HELP HIM OUT. I CALL HIM JAMES. IDENTIFIES DEFENDANT IN COURTROOM.
	LA	REMEMBER DAY OF INCIDENT. COOKING THAT DAY FOR THANKSGIVING. DESCRIBING DISHES. FAIRLY TRADITIONAL. STARTED COOKING AROUND 7 AM. ME JAMES AND BOYS WERE THERE IN THE MORNING. THEN WE HAD GUESTS, PATRICK AND FRIEND JOSH. CHI WAS IN OKLAHOMA VISITING. ONLY PEOPLE THERE ENTIRE DAY. JAMES, PATRICK JOSH AND GABRIEL LEFT AROUND 9 AM. GABRIEL IS MY OLDER SON. THEY WENT HUNTING. I THINK IT WAS DEER. DON'T KEEP TRACK, WAY DIFFERENT FROM TEXAS SEASON. I THINK THEY TOOK PATRICK'S VAN. NOT REALLY SURE, BUT PRETTY SURE IT WAS THE VAN. MY CAR WAS STILL THERE.
1046	LA	THEY GOT BACK MAYBE 2:30 OR 3:00. I HAD SAID DINNER THEN, BUT IT WASN'T READY. THEY SHOWED UP. THEY HADN'T GOTTEN ANYTHING, GABRIEL IS TOO LOUD. DINNER WAS AROUND 5PM. I POSTPONED EVERYTHING TO GET PRETTIED UP. HAD DINNER IN LIVING ROOM.
	IR	OBJECTION - LEADING
	J	OVERRULED. PLEASE RESTATE
	LA	HAD TO SET UP A SPECIAL TABLE. TWO SAW HORSES AND A DOOR. SET IT UP NICE AND PRETTY. NEEDED A LOT OF ROOM. TOOK ABOUT 45 MINUTES TO EAT. NO ONE HAD BEEN DRINKING ALCOHOL. DIDN'T SEE ANYONE DRINKING. AFTER DINNER I CLEANED UP. DID DISHES. BATHED BOYS. JAMES WENT OUT TO SHED TO TINKER WITH SAW. BOTH JOSH AND PATRICK FOLLOWED HIM. PATRICK LEFT SOMETIME, NOT SURE WHEN, THEN JOSH CAME IN AROUND 8PM AND WENT TO SLEEP ON COUCH, JAMES CAME IN AROUND 10 PM.
1050	LA	DIDN'T SEE PATRICK COME BACK IN, ASSUMED HE WAS GONE. DIDN'T SEE HIM ANYMORE THAT NIGHT. PATRICK WASN'T LIVING WITH US AT THAT TIME, I THINK HE WAS LIVING WITH HIS PARENTS, SOMEWHERE IN SANDPOINT AREA. JOSH CAME BACK IN AND WENT TO SLEEP ON THE COUCH. HE DIDN'T WAKE UP UNTIL WE HAD OFFICERS IN THE TRAILER. THE COUCH IS IN THE LIVING ROOM. CAN SEE THE COUCH FROM KITCHEN, IT'S OPEN FLOOR PLAN. CAN SEE MOST WAY DOWN THE TRAILER. IF HE HAD GOTTEN UP, I WOULD HAVE SEEN THAT.
1052	LA	PRETTY SURE THEY DIDN'T COME IF FOR ABOUT 2 HOURS. I WAS BUSY WITH THE BOYS. TRYING TO GET THEM READY FOR BED. JAMES CAME IN AROUND 10 PM. WYATT IS ASLEEP. GABRIEL AND I STARTED READING JUNGLE BOOK. JAMES CAME IN AND TALKED A BIT, THEN WENT INTO KITCHEN FOR PIE. CAME BACK, JUST GETTING READY TO GO TO SLEEP.
1053	LA	AT 10:56 PM SOMEONE CAME TO OUR HOUSE. I LOOKED AT THE CLOCK ON MY OVEN. I'M PRETTY PICKY ABOUT TIME AND MY BOYS. YOU DON'T COME TO MY HOUSE PAST NINE UNLESS IT IS VERY IMPORTANT. IF IT WAS PATRICK, HE WOULD HAVE CALLED. WHEN THIS PERSON GOT THERE, JAMES AND I GOT UP, I'M FOLLOWING HIM, HE PUTS HIS PLATE DOWN, I SAID WHO IS HERE SO LATE. WE GO TO THE DOOR. WE BOTH DID.
1055	LA	DESCRIBES ENTRY WAY. JAMES WAS BUILDING OUR MUDROOM. IT IS LIGHTED AND LIGHTS WERE ON. IT'S BIG FOR A MUDROOM. ABOUT THE SIZE

		OF OUR LIVING ROOM. HAD A WOODSTOVE AND STUFF OUT THERE TO BUILD IT. THERE WASN'T SNOW YET. I HAVE GLASS IN DOOR TO SEE OUT AND COULD SEE THAT PERSON. DIDN'T KNOW THEM, NEVER SEEN THEM BEFORE. ANSWERED DOOR.
1056	LA	THIS MAN ASKED JAMES IF HE WAS JAMES AND HE SAID HE WAS AND ASKED IF HE KNEW JUSTIN AND SAID HE DID. I KNOW WHO JUSTIN IS, MY SISTER'S EX-BOYFRIEND. JUSTIN HINES. CHI WAS DATING HIM SAME TIME HE WAS DATING PATRICK. HE KEPT ASKING THE SAME QUESTION OVER AND OVER, DO YOU KNOW JUSTIN. I KEPT THINKING HE ALREADY ANSWERED YOU. JAMES WALKED OUT THE DOOR AND CLOSED IT BEHIND HIM. I WAS BY THE DOOR, OVER TO THE SIDE AND COULD SEE WHAT WAS HAPPENING.
1059	LA	I'M LOOKING THROUGH THE DOOR. DIDN'T SEE IF THIS PERSON HAD A WEAPON. HE WAS ANGRY WHEN HE WAS ASKING THE QUESTION OVER AND OVER. HE GOT MORE AGGRAVATED AS HE ASKED THE QUESTION AND MORE CONFRONTATIONAL BY HIS POSTURE. NOT THERE TO NICELY ASK. I KNOW WHY THEY WERE ASKING. PATRICK AND HIM HAD HAD ISSUES OVER CHI AND THEY HAD HAD A FIGHT. SUSPECTED THEY WERE FIGHTING OVER SAME GAL. I KNEW THERE HAD BEEN A CONFRONTATION, BUT NO SPECIFICS. KNEW THEY HAD GONE TO MEET WITH JUSTIN THAT NIGHT. I DON'T REMEMBER THE DATE, NOT THE NIGHT OF THIS INCIDENT. IT WAS MONTHS BEFOREHAND. DIDN'T HAPPEN AT THE TRAILER.
1101	LA	THEY STAYED IN THE MUDROOM FOR A MOMENT AND THEN I SAW ANOTHER MAN RUSH UP ON THE PORCH TOWARDS JAMES. I DIDN'T RECOGNIZE HIM. HE CAME FROM THE DRIVEWAY. LOOKED LIKE HE WAS GOING TO RUSH JAMES, CAUSE HE RUSHED UP ONTO THE PORCH TOWARD MY HUSBAND LIKE HE WAS GOING TO FOOTBALL TACKLE HIM. SORRY, I'M FROM TEXAS, THE PORCH AND MUDROOM IS THE SAME THING. COULDN'T SEE OUT INTO THE ROADWAY. WAS OBSTRUCTED AND TOO DARK TO SEE. DON'T KNOW WHERE THIS SECOND PERSON CAME FROM. HE STOPS SHORT OF JAMES. HE DIDN'T FOOTBALL TACKLE HIM. DIDN'T TAKE A SWING AT HIM. COULD HEAR THROUGH THE DOOR.
1104	LA	COULD HEAR THE CONVERSATION. BELIEVE THE GUY, ELI, THE FIRST GUY, IS ASKING JAMES THE SAME QUESTIONS AND IF HE KNOWS CHI, AND PATRICK. JAMES IS SAYING YES. THEY MOVE OFF PORCH AND I CAN'T SEE THEM. FROM WHEN JAMES GO OUT ONTO MUDROOM TO WHEN THEY LEAVE IS A MINUTE OR TWO. WASN'T PAYING ATTENTION TO TIME AROUND THEN. I WAITED TO SEE IF I HEAR ANY ARGUING, NONE, AND WENT BACK TO READING WITH GABRIEL. DIDN'T HEAR JAMES SO THOUGHT HE HAD SENT THEM ON THEIR WAY. DON'T HEAR ANYTHING. I WAS WITH THE BOYS MAYBE 2 MINUTES. WHEN I DON'T HEAR JAMES COME BACK IN, I WENT BACK TO FRONT DOOR. I CAN'T SEE HIM, OR I OPENED FRONT DOOR TO STICK MY HEAD OUT. THE ANGLE THAT IT IS OUT, I CAN ONLY SEE ONE WAY. NO PROBLEMS WITH MY VISION. IT WAS MORE ABOUT THE LIGHTING AND ANGLE WHY I CAN'T SEE. I CAN HEAR THEM SAY THEY HAVE A GUN AND THEY ARE GOING TO JACK MY HUSBAND UP. I THINK IT WAS ELI, BUT NOT SURE SINCE I'D NEVER HEARD THE OTHER GUY'S VOICE BEFORE. "I HAVE A GUN AND I'M GOING TO JACK YOU UP". I REMEMBER THAT SPECIFIC STATEMENT. I WAS STANDING INSIDE THE HOUSE WITH MY HEAD OUT OF THE DOOR. I IMMEDIATELY CLOSED THE DOOR AND WENT BACK TO MY SON AND TOLD HIM TO STAY IN HIS ROOM NO MATTER WHAT. I WENT AND GOT MY SHOES AND JACKET. CELL PHONE WAS ON THE CHARGER IN BEDROOM. TOOK ME ABOUT 30 SECONDS. I THEN WENT OUTSIDE. I WENT DOWN PATHWAY ABOUT HALF WAY. SAW VEHICLE OUT IN ROADWAY, WHITE TRUCK. TWO MEN HAVE MY HUSBAND AGAINST THE TRUCK, FRONT FENDER ON DRIVER'S SIDE. SURE THEY HAD HIM RIGHT UP AGAINST THE TRUCK. IT WAS MAYBE FROM ME TO YOU. COULD SEE ALL THREE. I CAME OUT AND ASKED IF I NEEDED TO CALL THE POLICE.
1112	LA	TALL MAN WAS ON LEFT AND SHORT WAS ON RIGHT. THEY HAD HIM PINNED.

		DIDN'T KNOW WHO THEY WERE AT THAT TIME. I WAS SCARED AT THAT TIME AND REALLY CAN'T TELL YOU HOW THEY HAD HIM. MR. MARSHALL, TWO MEN HAD MY HUSBAND.
	IR	OBJECTION - ASKED AND ANSWERED
	J	SUSTAINED
	LA	DON'T KNOW HOW LONG, BECAUSE ELI IMMEDIATELY TURNED AROUND AND CONFRONTED ME. HE CAME AND GOT IN MY FACE. ASKED THE SAME QUESTIONS. DIDN'T THREATEN TO KILL ME, OR THROW ME UP AGAINST THE TRUCK. JUST ASKING THE SAME QUESTIONS AND I'M ANSWERING. HE KEPT SAYING JUSTIN WAS A 110 DIABETIC. SAID I WAS SORRY BUT HAS NOTHING TO DO WITH MY FAMILY. KNEW THAT PATRICK WAS GETTING PURSUED OR SOMETHING BY POLICE. AT THE TIME OF THANKSGIVING, DIDN'T KNOW ALL OF IT, JUST THAT JUSTIN HAD BEEN PESTERING PATRICK AND CHI. KNEW JUSTIN GOT BEAT UP FOR IT BUT DIDN'T KNOW ALL THAT WAS INVOLVED. ELI IS ASKING ME ABOUT THIS. I TOLD HIM CHI WAS MY SISTER. KEPT ASKING ABOUT THAT. I ASKED HIM WHY HE DIDN'T COME AT A REPUTABLE TIME OF DAY, MY BOYS WERE IN BED. HE SAID HE HAD. I TOLD HIM THAT HE HADN'T THAT I HAD BEEN THERE ALL DAY COOKING. HE SAID OH, I'VE BEEN HERE.
1118	LA	I SAID DO I NEED TO CALL THE COPS AND HE SAID YES, THEY ARE THE ONES THAT SENT ME HERE. ELI IS IN MY FACE SO CLOSE I COULD FEEL HIS SPIT ON MY FACE. I TURNED AROUND AT SOME POINT AND SAW IAN IN THE DOORWAY. DIDN'T SEE JAMES. COULDN'T TELL IS IAN CONTINUOUSLY HELD MY HUSBAND BECAUSE ELI WAS IN MY FACE. THE TALL GUY, IAN, AT THE HOUSE. I'M LOOKING BACK TOWARDS THE TRAILER. PORCH LIGHT WAS ONE. EASIER TO LOOK BACK THAT WAY BECAUSE OF THE ANGLE. CAN'T SEE MY HUSBAND. CAN SEE IAN, HE'S AT OUR DOORWAY.
1121	LA	HE HAS ONE DOOR ON THE JAMB AND ONE ON THE STEP LOOKING LIKE HE WAS GOING TO GO IN OR ADDRESSING SOMEONE. I TURNED BACK AROUND TO IAN AND HE SAYS LISTEN BITCH. I GOT UPSET LISTEN BUCKO YOU CAME TO MY HOUSE IN THE MIDDLE OF THE NIGHT. YOU SHOULD NOT BE HERE. I KNOW WE ARGUED FOR A MINUTE. HE GOT REALLY MAD. DON'T REMEMBER IF HE GRABBED ME. UP TO THIS POINT I REMEMBER HE DIDN'T GRABBED ME. BUT NOW EVERYTHING STARTED HAPPENING REALLY QUICKLY
	IR	OBJECTION - ASKED AND ANSWERED
	J	OVERRULED
	LA	HE DIDN'T THROW ME DOWN
1123	LA	JAMES CAME AND PUSHED ME BEHIND HIM, AND JUST SAW A GUN. IT WAS AT THE END OF MY CAR. NOT MUCH SPACE BETWEEN MY CAR AND THE TRUCK. I NEVER ONCE LEFT MY DRIVEWAY. JAMES IS OUT THERE. IT HAPPENED VERY QUICKLY, SO QUICK. ONE MINUTE.... I THINK I SAW IAN COME BACK TO THE HOUSE, IN PERIPHERAL BUT NOT SURE. WHEN I SEE JAMES, LIKE ELI IS HERE AND IAN IS OVER HERE. JAMES STEPPED IN FRONT OF ME TO PROTECT ME.
	LM	WOULD IT BE EASIER IF YOU DREW IT.
	LA	I'M SORRY. (DRAWS ON EASEL)
	LM	TAKE YOUR TIME.
1130	LA	I COULD STILL SEE IAN IN MY LINE OF SIGHT, MAYBE 10 FEET
	LM	MARK AS STATE'S 11 FOR ILLUSTRATIVE ONLY
	IR	NO OBJECTION
	J	STATE'S EXHIBIT 11 FOR ILLUSTRATIVE ONLY.
1131	LA	HE WAS PUSHING ME AROUND AND BEHIND HIM. I THINK I WENT BEHIND HIS RIGHT SIDE. JAMES IS GOING TOWARDS LIKE ELI. I SAW THAT HE HAD A GUN. HIS BEAR HUNTING GUN. I USED TO BE FAMILIAR WITH GUNS. KNOW DIFFERENCE. IT WAS A HANDGUN.
	LM	SHOWN STATE'S EXHIBIT 4
	LA	I BELIEVE THAT IS THE GUN I SAW. I THINK IT IS. I THINK THAT'S JAMES'.

		JAMES HAD THE GUN IN HIS LEFT. HE'S RIGHT HANDED. DIDN'T SEE ANYTHING IN HIS OTHER HAND. HE PUSHED ME AROUND BEHIND HIM WITH HIS RIGHT HAND.
1134	LA	I DON'T REMEMBER ANYTHING ELSE EXCEPT THE GUN GOING OFF. AS SOON AS HE PUSHED ME AROUND, THE GUN WENT OFF BEFORE HE GOT IT UP ALL THE WAY, IT WAS FAST. I DON'T REMEMBER JAMES SAYING ANYTHING. ONLY REMEMBER ARGUMENT BETWEEN ME AND ELI BEFORE SHOT. I WAS STILL ARGUING WITH ELI WHEN JAMES PUSHED ME BEHIND. WE WERE JUST ARGUING, JUST TRYING TO GET HIM TO LEAVE AND GO HOME. I CAN ONLY REMEMBER THE FLASH OF THE GUN, I CAN'T REMEMBER WHAT HAND. I TURNED AROUND IMMEDIATELY AND RAN TO THE MUDROOM TOWARDS THE HOUSE. I DIDN'T SEE WHAT HAPPENED TO ELI. I WAS BEGGING JESUS TO PROTECT MY FAMILY. IAN WASN'T NEXT TO ELI WHEN JAMES SHOT HIM. ABOUT 8 TO 10 FEET. I COULD SEE HIM BUT NOT IMMEDIATELY RIGHT THERE.
1138	LA	I IMMEDIATELY WENT BACK TOWARDS THE TRAILER AND WENT INSIDE. JAMES IS WITH ME. DON'T KNOW WHERE MR. FREIR IS. SAW JAMES WITH THE PHONE WHEN HE WAS CALLING 911. I WAS FREAKING OUT, SO I DON'T KNOW WHEN THAT WAS. MAYBE A MINUTE OR TWO AFTERWARDS. I THINK IT'S INSIDE. I REMEMBER HIM CALLING 911. THIS WAS HIS OWN PHONE. DIDN'T SEE HIM GO GET IT OR IF HE HAD IT. DON'T KNOW IF HE CALLED ANYONE ELSE.
	LA	I GUESS NOW MR. FREIR IS GONE AND ELI IS SHOT. I DIDN'T SEE THAT. I SAW FLASH OF GUN AND HEARD IT. I DIDN'T SEE THE IMMEDIATE EFFECTS. I DIDN'T WANT TO LOOK, THAT'S FAIR. DIDN'T SEE A WEAPON UP UNTIL JAMES' GUN.
1141	LA	IT WAS ONLY MINUTES BEFORE COPS GOT THERE. I WENT BACK TO MY BOYS. JOSH IS ON COUCH STILL, SLEPT THROUGH WHOLE THING. I THINK HE GOT THE GUN FROM A GUN SHOW. HAD SEEN IT BEFORE. HE USUALLY KEPT IT IN OUR BEDROOM. HE BEAR HUNTS WITH IT OR TAKES IT WITH HIM WHEN HE'S OUT HUNTING FOR PROTECTION. HE TAKES IT EVERY TIME HE GOES HUNTING. THEY MAY HAVE TAKEN 2 OR 3 RIFLES OR SHOTGUNS. GABRIEL WAS ONLY GOING ALONG TO LEARN. DESCRIBES LOCATION OF WHERE THE GUN IS KEPT. NORMALLY UNLOADED. HAD NOT SEEN THE HANDGUN EARLIER IN THE DAY.
1144	LA	AFTER POLICE ARRIVED, DEPUTY CAME IN AND STAYED WITH US IN THE TRAILER. NO ONE ELSE PRESENT BEFORE POLICE ARRIVED OTHER THAN I HAVE STATED. DEPUTY MATTINGLEY WAS VERY POLITE AND TOOK VERY GOOD CARE OF ME AND MY BOYS. DET. BURKE INTERVIEWED ME. DON'T REMEMBER HOW LONG AFTER SHOOTING. I WASN'T FREAKING OUT, BUT TRYING TO BE CALM AND TAKE CARE OF THE BOYS. STILL INSIDE THE TRAILER AND STILL THAT NIGHT. THIS IS NOW SOMETIME IN THE MIDDLE OF THE NIGHT. NOT SURE OF THE TIME. FILLED OUT A WITNESS STATEMENT. EVERYTHING IS TRUTHFUL AS MUCH AS BEING IN SHOCK MAKES YOU. NOTHING NOT TRUTHFUL. I TOLD THE WHOLE TRUTH TO DET. BURKE.
1147	LA	DET BURKE TALKED TO ME A SECOND TIME. I THINK IT WAS DECEMBER 1 ST . 3 DAYS LATER. DID AN INTERVIEW. DID AN ADDITIONAL WITNESS STATEMENT. I THINK THERE ARE DETAILS THERE THAT WEREN'T IN THE FIRST. NO LIES IN EITHER ONE. MORE CHANCE TO CALM DOWN. DURING THAT THREE DAYS, I TALKED TO COUNSELORS, PARENTS, JAMES' MOM ABOUT WHAT HAPPENED. ALSO I THINK ELI'S MOM, SHE MAY HAVE COME AFTERWARDS, AND MAYBE AMY, IAN'S SISTER. SPOKE WITH MR. HOLT'S FAMILY.
1149	LA	DET TALKED TO ME ABOUT FEELING THREATENED. I STILL LOVE MY HUSBAND VERY MUCH. I BELIEVE IT GOD AND HE HAS A PLAN FOR ALL OF US. MY HOME IS MY RESPONSIBILITY, MY HUSBAND'S RESPONSIBILITY IS OUR FAMILY. IF HE IS RESPONSIBLE FOR SOME HEINOUS, THEN HE NEEDS TO ANSWER. WE'VE BEEN MARRIED TWO YEARS. WE ARE FROM THE SOUTH

		AND WE WERE MARRIED IN THE SOUTH. KATRINA HIT AND HARD FOR JAMES TO GET A JOB. MY PARENTS LIVED IN THIS AREA.
	LM	NO FURTHER QUESTIONS
	IR	CROSS
1152	LA	JACK HIM UP MEANS HURT HIM, TO MAKE HIM BE IN PAIN. WHEN THEY SAY THEY HAVE A GUN AND WANT TO JACK YOU UP, IT MEANS THEY WANT TO KILL YOU. I TOLD DET. BURKE IN MY STATEMENT THAT ELI WAS ASKING ME WHO JUSTIN WAS AND IF I KNEW HIM. IF I KNEW ABOUT FIGHT. I KEPT SAYING WHY DIDN'T YOU COME AT A REPUTABLE TIME OF DAY. HE SAID OH I WAS HERE. I THINK I RELAYED THAT IN FIRST INTERVIEW. I'M 5'3". I THINK JAMES IS 5'5". I CAME TO ELI'S SHOULDER. HE WAS TALLER THAN ME. I WAS WEARING TENNIS SHOES. JAMES MAY HAVE HAD ON HIS WORKS BOOTS, DIDN'T SEE FOR SURE.
	IR	NOTHING AT THIS TIME, MAY CALL HER AS A DEFENSE WITNESS
	LM	RE-DIRECT
1155	LA	I THINK I REMEMBER IAN GRABBING HIS HEAD. VAGUELY. HE GRABBED HIS EARS LIKE WHEN A GUNSHOT WENT OFF. I DON'T KNOW IF I GRABBED MINE. I JUST RAN. I STAYED AT THE TRAILER THAT NIGHT. JOSH STAYED THERE. SAW MY CLOTHES. NO BLOOD ON THEM. LOOKED AT THEM NEXT MORNING.
	LM	NOTHING FURTHER
	IR	RE-CROSS
	LA	AT TIME OF HEARING LOSS, I HAD RINGING IN MY EARS. LASTED 5 MINUTES.
	IR	NOTHING FURTHER
	J	YOU MAY STEP DOWN.
	J	RECESS UNTIL 1:15
1158		OFF RECORD
121		BACK ON THE RECORD
	LM	CALL RONALD COBB - DIRECT
	LM	JUST FOR THE RECORD, MS. ROBERTSON WILL CALL MS. ANDERSON BACK ON THE STAND, SHE IS HAVING SOME TRAVEL ISSUES. IF WE START RUNNING LATE WE MAY NEED TO CALL HER OUT OF ORDER.
	J	WE WILL TRY AND ACCOMMODATE.
	SWORN	RONALD COBB
	RC	GO BY RON. EMPLOYED THROUGH BONNER COUNTY DISPATCH. HAVE TESTIFIED IN COURT ONCE BEFORE. NERVOUS. REMEMBER EVENING OF THE EVENT. NOT TYPICAL NIGHT; WAS A "A" TYPICAL NIGHT, INVOLVED WITH A SHOTS FIRED CALL. BELIEVE AROUND 11 PM. DISPATCH IS AUTOMATED AND RECORDED. WHEN SOMEONE CALLS 911, THE TAPE AUTOMATICALLY STARTS RUNNING. DEPENDING UPON CALL, DIFFERENT THINGS I HAVE TO DO. WE DO IT THROUGH COMPUTER RADIOS. IF ON A CALL, AND ANOTHER CALL COMES THROUGH, NO BUSY SIGNAL. ABLE TO GO BACK AND FORTH FROM CALLS. I KNOW HOW TO ACCESS THE RECORDINGS. DON'T LOSE SUBSEQUENT CALLS. ALL CALLS TAPED. THERE WERE TWO OTHER DISPATCHERS WORKING BESIDES MYSELF LAST THANKSGIVING. CAN IDENTIFY THEIR VOICES ON TAPE. WHEN A CALL OF SHOTS FIRED COMES IN, WE WERE ALL FIELDING CALLS THAT NIGHT. A MAN CALLED, DON'T REMEMBER HIS NAME, SAYING SHOTS BEING FIRED FROM PARK. I DIDN'T PREPARE THE DISK YOU HAVE IN COURT. HAVE NOT REVIEWED IT. IF IT IS TOTALLY WRONG, I'LL STOP YOU AND TELL YOU
	LM	I HAVE HAD THE CLERK MARK THE 911 TAPE AS STATE'S EXHIBIT 10. WE ATTEMPTED TO PLAY IT ON COURT'S SYSTEM, UNABLE TO, SO I AM ATTEMPTING TO PLAY IT ON A LAPTOP
	IR	NO OBJECTION TO GIVING IT A TRY AS LONG AS IT IS THE CALL.
	J	AND THE WITNESS HAS SAID HE WILL STOP IT IF IT IS NOT. GO AHEAD MR. MARSHALL.
128	LM	911 TAPE PLAYING
	RC	THAT IS MY VOICE AND THE ORIGINAL CALLER I WAS TALKING ABOUT.

129		TAPE CONTINUES.
131		911 TAPE PLAYING WITH ANOTHER CALLER.
137	LM	CONTINUES DIRECT
	RC	THAT IS A DIFFERENT VOICE, DISPATCHER LAURA CLAFFEY. STANDARD LANGUAGE ONLY WHEN WE HAVE MULTIPLE MULTIPLE 911 CALLS COMING IN. THIS CALL COMING IN WAS NOT A 911 CALL, IT WAS ON THE NON-EMERGENCY LINE. THAT HAPPENS REGULARLY
138		911 TAPE PLAYING
	LM	MS. ROBERTSON, ANY OBJECTION WITH THE MEDSTAR CALL
	IR	NO, PLEASE CONTINUE
139		911 TAPE CONTINUES PLAYING
143	LM	FOR THE RECORD THESE ARE SAVED ON AUDIO FILES. IF I HIT THE WRONG ONE I WILL STOP IT.
143		911 TAPE CONTINUES PLAYING
148	LM	CONTINUES DIRECT
	RC	THAT WAS THE CONVERSATION I HAD WITH THE PERSON ON THE TAPE.
	LM	DO YOU WISH TO HAVE THE COMPLETE TAPE PLAYED
	IR	NOT AT THIS TIME.
	LM	MOVED TO HAVE THE TAPE ADMITTED AT THIS TIME, STATE'S EXHIBIT 10.
	J	THOSE PORTIONS
	LM	OTHER PORTIONS FROM WITNESSES THAT WILL BE BEING CALLED. EXPLAINS. ARGUMENT ON ADMISSIBILITY
	J	DEFENSE
	IR	ARGUMENT.
	J	SOUNDS LIKE BEST. ADMIT ONLY FOR PURPOSE OF THE THIS PRELIMINARY HEARING. STATE'S EXHIBIT 10
	IR	NO QUESTIONS
	LM	STATE WOULD CALL MR. ZIARNICK. HE IS IN CUSTODY AND BAILIFF IS HAVING HIM BROUGHT IN
153	J	DO WE KNOW IF HE IS REPRESENTED BY COUNSEL
	IR	NO OUR OFFICE, CONFLICTED OUT
	LM	MY QUESTIONS WILL CENTER AROUND THAT NIGHT AND NOT WHY HE IS IN CUSTODY. EXPLAINS.
155	SWORN	PATRICK ZIARNICK
	LM	DIRECT
	J	BEFORE WE GO ANY FURTHER, YOU ARE IN CUSTODY, DO YOU HAVE AN ATTORNEY
	PZ	YES. SERRA WOODS.
	J	SHE IS NOT PRESENT. SINCE ARRANGEMENTS HAVE NOT BEEN MADE FOR HER TO BE PRESENT, I AM ORDERING THAT ANYTHING HE SAYS ON QUESTIONS THAT MAY INCRIMINATE HIM IN OTHER MATTERS WILL BE PRIVILEGED.
	LM	THANK YOU YOUR HONOR
	PZ	KNOW MR. ANDERSON. THAT'S MY BROTHER IN LAW. I'M MARRIED TO CHI ZIARNICK. THAT'S JAMES' WIFE'S SISTER. LIVED THERE WITH THEM ABOUT 2 MONTHS. AROUND AUGUST THROUGH SEPTEMBER. NOT LIVING THERE AT THANKSGIVING. LIVING AT PARENTS HOUSE. CHI WAS LIVING WITH ME. SANDPOINT AREA. FRIENDS WITH JAMES. WENT OVER TO THEIR RESIDENCE ON THANKSGIVING AROUND 7 AM IN THE MORNING, EARLY. WE HAD A WHOLE DAY PLANNED. ME JAMES AND JOSH RUSSELL. JOSH AT THE TIME LIVED IN TOWN IN SANDPOINT. HE WAS ALREADY THERE. I BROUGHT HIM OUT THE NIGHT BEFORE. I DROVE 1996 MAZDA MPV VAN. IT WAS JUST BECOMING DAYLIGHT. I WAS THERE 3 TO 4 HOURS, SOMEWHERE AROUND THERE UNTIL WE LEFT TO GO HUNTING. WE WERE SCOUTING FOR DEER. I'M NOT A HUNTER, I WAS JUST ALONG FOR THE RIDE. ME JOSH AND JAMES WENT ON TRIP WITH GABE. WE WENT SOMEWHERE THAT COMES OUT GUN CLUB ROAD. WE JUST DROVE AROUND. WE WERE GONE THE REST OF THE

		AFTERNOON. NO DEER. CAME BACK TO TRAILER. WE WERE WAITING FOR DINNER.
201	PZ	WE HAD DINNER. THIS WAS THE FIRST WE HAD ALL GOT TOGETHER. CHI WAS NOT THERE, SHE WAS IN OKLAHOMA. WE HAD NOT BEEN DRINKING THAT DAY. NO ALCOHOL. AFTER DINNER, LEFT AROUND 5 AND 6. LEFT BY MYSELF. I WENT BACK TO JOSH'S TO TAKE A SHOWER. I HAD PLANS TO GO TO POST FALLS FOR ANOTHER ENGAGEMENT, BUT GOT CANCELLED, SO WENT TO ANOTHER ADOPTED FAMILY FOR A THANKSGIVING. I WAS GOING TO HITCH A RIDE TO POST FALLS. THERE WAS SOME SORT OF ACCIDENT BY WESTMOND. WE WAITED IN TRAFFIC, SO WE CAME AROUND AND CAME BACK. GOT A RIDE WITH A BUDDY. WE WERE INVITED TO SAME SPOT. ANGIE LARSON. WE TURNED AROUND JUST PAST THE DOUBLE LANES GOING THROUGH COCOLALLA FLATS. ACCIDENT WAS FARTHER SOUTH
	IR	OBJECTION - LET THE WITNESS ANSWER THE QUESTION
	J	I'M WONDERING WHEN WE ARE GETTING TO RELEVANCE. SHORTEN IT UP ON TIMELINE.
	PZ	WE TURNED AROUND AND WENT TO SHARON CARTER'S HOUSE. DID HEAR FROM JAMES ANDERSON THAT NIGHT. HE CALLED ME. FIRST TIME WAS AROUND 10 PM. JOSH WAS THERE AND PASSED OUT, HE WAS JUST CRACKING JOKES ABOUT HIM AND SENT SOME PICTURES OF HIM PASSED OUT. WAS PLANNING ON SPENDING NIGHT AT CARTERS. HE CALLS ME AGAIN, AT APPROXIMATELY 11 PM. ALL I HEAR WAS SOMEBODY WAS THERE TO FIGHT HIM AND HE NEEDED HELP. I ASKED WHAT WAS GOING ON AND I GOT NO RESPONSE AFTER THAT. HE SOUNDED DISTRESSED. I HEARD SOME MUFFLED VOICES IN BACKGROUND. HEARD JAMES ASK SOMEBODY TO GET THIS DRUNK PERSON OFF MY PROPERTY. HEARD MUFFLED VOICES. THEN SOME MORE ARGUING. GET THAT DRUNK PERSON OFF MY PROPERTY I COULD HEARD CLEAR AND THAT WAS JAMES. HE WAS CLOSER TO PHONE. AFTER THAT MUFFLED VOICES, AND THEN SOMETHING ABOUT NEVER MIND, I HEARD A SCREAM AND THE PHONE SHUT OFF. I COULDN'T GET A RESPONSE FROM HIM. THIS ALL HAPPENED IN A MINUTE AND A HALF. FROM NEVER MIND TO SCREAM, MAYBE A COUPLE SECONDS. I WAS IN DISBELIEF, DIDN'T NOW WHAT HAPPENED, MY PHONE RANG. I COULD SEE WHO WAS CALLING. WHEN JAMES CALLS, IT HAS HIS NAME AND SPECIAL RING TONE. FROM THE 11 PM CALL TO THE NEXT CALL IS 10 SECONDS. IT'S JAMES. HE SAID HE COULDN'T BELIEVE THAT HE HAD SHOT SOMEONE AND KILLED SOMEONE. THERE WAS NO FURTHER CONVERSATION, PHONE WENT DEAD. DIDN'T HEAR FROM HIM AGAIN
	LM	NOTHING FURTHER
211	IR	CROSS
	PZ	REMEMBER TALKING WITH DET. BURKE. I REMEMBER IN FIRST CALL THAT SOME WAS THERE, THAT SOMEONE HAD SENT THEM THERE. REMEMBER HIM SAYING THAT SOMEONE WAS THREATENING HIS FAMILY AND HIM. I COULDN'T GET ANY RESPONSES BACK. I REMEMBER HEARING NOISE AND SCUFFLING, AND TALKING. A LOT OF MUFFLED TALKING IN BACKGROUND.
213	PZ	THINK SCREAM WAS FEMALE, JUST FROM HEARING SCREAMS. WAS HIGHER PITCHED. ASSUMED IT WAS FROM A FEMALE.
	IR	NOTHING FURTHER
	LM	RE-DIRECT
214	PZ	HEARD NOISES IN THE BACKGROUND. COULDN'T TELL IF THERE WAS A FIGHT. COULD HAVE BEEN ANYTHING. DON'T KNOW WHERE THOSE NOISES CAME FROM
	LM	NOTHING FURTHER
	IR	RE-CROSS
	LM	OBJECTION -
	J	OVERRULED
	PZ	COULD HAVE BEEN ANYTHING

	J	WITNESS EXCUSED.
215	LM	CALL IAN FREIR - DIRECT
	SWORN	IAN FREIR
	IF	LIVE HERE IN SANDPOINT AREA. ABOUT 23 YEARS. KNEW ELVIN HOLT, STEP BROTHER. WENT BY ELI. HE IS DEAD. I KNEW HIM MY WHOLE LIFE, SINCE 5 OR 8. I'M 23 AND HE WAS 30. KNOW JAMES ANDERSON NOW. I DIDN'T KNOW HIM OR OF HIM UNTIL THIS INCIDENT. DIDN'T KNOW HIM PRIOR TO THANKSGIVING, 2008. SAME PERSON IN COURTROOM.
217	IF	THAT DAY I WAS WITH MY GIRLFRIEND AUBREY ROUNDSVILLE, IN TRAVEL AMERICA PARK, NO 38 WITH MY 3 KIDS. DIDN'T KNOW JAMES ANDERSON LIVED THERE TOO. I WAS WITH AUBREY AND KIDS ALL DAY. ELI WASN'T WITH US. NO ONE ELSE WITH US. WE LEFT HER PLACE AROUND 3PM. WE WENT TO SAGLE GRANGE HALL. DESCRIBES. FAMILY THANKSGIVING OUT THERE. LOTS OF FAMILIES. ARRIVED THERE. DROVE MY TRUCK. 2001 F250, WHITE. I WENT BY MYSELF. MET MY FAMILY THERE. ELI WAS THERE. WE ARE HAVING THANKSGIVING AT HALL. LEFT AROUND 8PM. LEFT BY MYSELF. FOLLOWED ELI BACK TO AUBREYS. WERE THERE FOR ABOUT AN HOUR AND HALF. WE HAD BEEN DRINKING. I WAS DRINKING RUM. I HAD 3 DRINKS WHILE AT THE GRANGE. I DRINK A LOT. I WAS IMPAIRED AND DROVE ANYWAY. DIDN'T DRINK AT AUBREYS. THEN WENT TO TERRAS. FIRST TRAILER ON LEFT IN TRAVEL AMERICA, CLOSE TO ENTRANCE. WERE THERE ABOUT AN HOUR. ELI WAS WITH ME. HE TOOK MY KEYS AND WOULDN'T LET ME DRIVE. HE DROVE. ELI WAS LESS DRUNK THAN I. I HAVE TWO SETS OF KEYS AND HE HAD BOTH. BOTH HAVE AUTOMATIC LOCK FOB. THEN WE WENT TO 219. ELI DROVE. SPENT ABOUT 15 MINUTES THERE. WE DRANK ONE DRINK THERE. STILL FELT DRUNK. I WAS STUMBLING AND ON VERGE OF BEING REALLY DRUNK. DON'T THINK THESE EVENTS ARE CLOUDED BECAUSE OF MY DRINKING.
223	IF	AFTER 219 BAR, WENT TO CONNIES LOUNGE. HAD A COUPLE OF DRINKS, TWO. ABOUT 20 MINUTES. AT THAT POINT I WAS GETTING TOO STUMBLING. ELI SAID WE ARE GOING TO AUBREY'S TO WATCH A MOVIE. THIS IS ABOUT 10:45. REMEMBER DRIVING BACK.
224	IF	AS WE PASS AUBREY'S HOUSE I ASKED WHERE WE ARE GOING, AND ELI SAID WE HAD TO GO AND TALK TO SOMEONE ABOUT AN ALTERCATION WITH JUSTINE HINES. HE TOLD ME JUSTIN HAD BEEN BEAT UP AND SOMEONE AT THIS HOUSE WOULD KNOW ABOUT IT. ELI IS DRIVING, I'M A PASSENGER. WE PULL UP TO HOUSE, HE JUMPS OUT, LEAVES TRUCK RUNNING. HE GOES TO JAMES' STOOP. I WAS IN THE TRUCK. RADIO WAS ONE. EITHER A RAP CD OR A COUNTRY STATION. JAMES' FRONT DOOR, SAW ELI WHOLE TIME. THEY WERE THERE ABOUT 2 MINUTES.
226	IF	I COULDN'T HEAR WHAT WAS GOING ON. THEN ELI RAISED HIS VOICE, I TURNED RADIO OFF AND ROLLED DOWN DRIVER'S SIDE WINDOW. DON'T THINK IT WAS ALL THE WAY. COULD HEAR WHAT WAS GOING ON. ELI AND JAMES WERE JUST IN FRONT OF DRIVER DOOR. ELI WAS SAYING THAT HE KNEW SOMETHING ABOUT A BEATING, BUT THAT ZIARNICK WAS STAYING THERE. JAMES SAID NO. HE HAD NOTHING TO DO WITH IT AND ZIARNICK HAD NOTHING TO DO WITH IT. IT DIDN'T GET PHYSICAL. MY BROTHER RAISED HIS VOICE BUT NEVER LAID A HAND ON JAMES ANDERSON. NEVER HEARD HIM SAY HE WAS GOING TO JACK HIM UP OR KILL HIM. DIDN'T SEE ELI WITH A GUN. NO FIREARM OR KNIFE IN MY TRUCK. NO WEAPONS AT ALL.
229	IF	ELI WAS PRETTY LOUD AT THAT POINT. JAMES' WIFE COMES OUT AND SAYS SHE'S GOING TO CALL THE COPS. I TURNED OFF THE KEY AND GOT OUT. JAMES TURNED AROUND AND WAKED TO THE HOUSE. I TAPPED HIS WIFE AND SAID SORRY. SHE WAS RIGHT IN FRONT OF ELI. HE WAS YELLING AT HER AND SHE WAS IN HIS FACE AND ELI CALLED HER A BITCH. THEY ARE ABOUT 2 FEET FROM THE TRUCK. ELI DIDN'T HAVE HIS HANDS ON HER, DIDN'T THREATEN HER. CALLED HER SISTER A BITCH. I DON'T KNOW CHI. I FOLLOWED JAMES. I FOLLOWED HIM TO DEESCALATE. I KNOCKED ON THE

		DOOR, HE'S ON THE PHONE WITH ONE HAND AND I GO TO SHAKE HIS HAND. HE SAID I'M NOT SHAKING YOUR HAND. HE BRINGS UP HIS OTHER HAND WITH A 44 CAL. GUN. I TURNED AROUND IMMEDIATELY, DOOR DIDN'T SHUT AND I TOOK ABOUT 15 STEPS TOWARD MY BROTHER. I PUT MY RIGHT SHOULDER INTO MY BROTHER, THE GUN CAME OVER MY RIGHT SHOULDER AND HE SHOOTS. WHEN I'M WALKING FROM THE TRAILER DOOR I'M WALKING RIGHT TOWARDS MY BROTHER. I'M YELLING AT MY BROTHER, BUT HE'S ARGUING WITH JAMES' WIFE.
		REFERS TO STATE'S EXHIBIT 11 DRAWING
233	IF	DON'T REMEMBER A CAR BEING THERE. SHOWS WHERE PEOPLE WERE ON DRAWING. I GRABBED ELI, BY HIS CHEST AND PUT MY SHOULDER INTO HIM TO LET GO. JAMES FOLLOWED ME STEP BY STEP. COULDN'T TELL HE WAS BEHIND ME OR SEE HIM. DON'T KNOW WHERE LEANN WAS. PULLING ELI TOWARDS THE FRONT OF THE TRUCK. I DIDN'T TURN AROUND. I ONLY HEARD THE GUN. ELI FALLS LIKE A TREE. I SEEN THE GUN AND SMOKE. I STEPPED BACK ABOUT 5 FEET, JAMES TURNED TOWARDS ME AND I RUN BACK ABOUT 10 FEET, HE TURNS AROUND, AND LEANN STARTS YELLING, JAMES WALKED BACK THROUGH HIS FRONT PORCH AND SET THE GUN DOWN.
236	IF	I STARTED RUNNING AND CAME TO A ROW RIGHT BEHIND. THE TRAILER THE SECOND TO THE END. I NEVER WENT INTO THE HOUSE, NEVER SAW ELI GO INTO THE HOUSE. NEVER MADE ANY THREATS OR CARRY ANY WEAPONS. ONCE I GOT TO THAT OTHER TRAILER, I KNOCKED AND TOLD THEM WHAT HAPPENED. THEY WERE ALREADY ON THE PHONE. I ASKED TO COME IN, I WAS LIVID. I THOUGHT JAMES WAS COMING AFTER ME. I TOLD THEM WHAT HAPPENED. I THINK I TALKED TO DISPATCH. I REMEMBER BEING INTERVIEWED BY DET. BURKE.
238	IF	AFTER THE NIGHT WAS OVER, I FOLLOWED A MINISTER TO MY PARENTS HOUSE. WHEN I WENT TO CALL MY MOTHER, I NOTICED I HAD BLOOD AND ASKED MY GIRLFRIEND TO WASH IT OFF. SHE USED DISH SOAP AND WATER. IT WAS A SNOWBOARDING JACKET. I PUT IT BACK ON. MY SISTER AMY WAS THERE. SHE LIVED IN PARK ALSO. SHE WAITED WITH ME AND TO FOLLOW THE MINISTER TO SHERIFF'S OFFICE. IT'S ALL HITTING ME AND I STARTED FREAKING OUT. I SAW MORE BLOOD AND ASKED MY AUNT AND UNCLE TO WASH IT. THEY PUT IT IN THE MACHINE. IT WAS THERE A COUPLE OF DAYS. DET. BURKE SAID IT MIGHT BE RELEVANT. THAT WAS ONLY THING WASHED.
241	IF	WHEN DET BURKE CALLED I TOLD HIM I HADN'T WASHED THE PANTS. AFTER THIS, I DID SEEK MEDICAL TREATMENT. I WASN'T HURT. IT WAS FOR HEARING LOSS IN MY RIGHT EAR. 2 ½ WEEKS. WAS STILL FEELING HEARING LOSS. NOT TOO DRUNK TO REMEMBER EVERYTHING TESTIFIED TO AND IS ALL THE TRUTH.
	LM	NOTHING FURTHER
	IR	WOULD YOU LIKE A SHORT BREAK
	IF	YES
	J	WILL TAKE A SHORT 5 MINUTE BREAK
243		SHORT BREAK - OFF RECORD
248		BACK ON THE RECORD
	IR	CROSS
	IF	NOT UNTIL WE PASSED AUBREY'S HOUSE THAT WE WERE GOING TO TALK TO SOMEONE. ELI DIDN'T SAY ANYTHING ABOUT ANY OTHER PLANS ON WAY HOME FROM BAR. REMEMBER TALKING TO DET. BURKE. HE TOLD ME THAT IN THE TRAILER PARK, AFTER WE PASSED AUBREY'S. NO PRIOR HEARING LOSS TO THAT NIGHT. THERE WAS BLOOD ON MY COAT. INDICATES ON HIS PERSON. IT WAS BELOW THE COLLAR. REMEMBER TELLING DET BURKE I STAYED IN THE TRUCK, AND THAT I ROLLED THE DRIVER'S SIDE WINDOW DOWN PART WAY. COULD HEAR PART OF CONVERSATION. HEARD ELI SAY JAMES, HEARD PATRICK WAS PART OF IT AND HE WAS STAYING HERE.

		JAMES JUST KEPT SAYING NO NO NO. ELI WAS FRUSTRATED BECAUSE HE KNEW JAMES HAD INFORMATION ABOUT HIS BEST FRIEND JUSTIN. LEANN CAME OUT. THE WINDOW WAS DOWN. I COULD HEAR COPS AND I DIDN'T WANT THAT. ELI SAID NO WHEN LEANN SAID SHOULD I CALL THE COPS. ELI WAS STILL FRUSTRATED.
253	IF	REMEMBER TALKING WITH STATE POLICE. DON'T REMEMBER WHO
	IR	IT WAS TROOPER BENNETT
	IF	JUST TOLD HIM ABOUT INCIDENT. SAID JAMES KILLED MY BROTHER IN COLD BLOOD. I SAID THAT BECAUSE THERE WAS NO FACIAL EXPRESSION OR YELLING OR GOT ANGRY. HE NEVER SAID TO LEAVE. REMEMBER TELLING THE TROOPER THAT MY BROTHER AND I CONFRONTED A MAN AND HIS WIFE. EXPLAINS. I HAD QUITE A BIT OF ALCOHOL THAT NIGHT. HADN'T TAKEN ANY MEDICATIONS.
256	IF	I KEPT SAYING THEY COULD TAKE MY SHOE PRINTS BUT I DIDN'T ENTER THE HOUSE. DET. BURKE TOOK THEM.
	IR	NO, DURING THE PADILLA 911 CALL.
	IF	DET. BURKE WASN'T THERE AT TIME OF CALL. I WOULDN'T HAVE SAID ANYTHING ABOUT MY SHOES UNLESS SOMEONE HAD ASKED ME FOR THEM. I DO REMEMBER DET. BURKE ASKING ME FOR THEM. I HAD RED MARKS ON MY RIGHT CHEEK. DON'T KNOW HOW MUCH ELI HAD TO DRINK. IN MY PRESENCE HE HAD 4 DRINKS. ACTUALLY I SAW HIM DRINK 2 AT DINNER, AND 3 AT TERRA'S HOUSE. THAT WAS OVER AN HOUR AND ½.
	IR	NOTHING FURTHER
	LM	RE-DIRECT
259	IF	I DON'T THINK THE RED MARKS WERE BLOOD. I FELT BLOOD IN MY EAR. DON'T KNOW IF IT WAS MINE OR ELI'S. WHEN I WENT TO DOORWAY TO TALK TO JAMES, I KNOCKED WITH RIGHT HAND AND JAMES WAS RIGHT THERE AND HE ONLY OPENED DOOR ABOUT 6 INCHES AND I COULD ONLY SEE THE RIGHT SIDE OF HIS BODY. HE SAID HE WOULDN'T SHAKE MY HAND. THAT'S WHEN I SAW THE GUN. THE CELL PHONE WAS IN HIS RIGHT HAND AND IT WAS UP TO HIS EAR. GUN WAS IN HIS LEFT. EXCHANGE WAS ABOUT 20 SECONDS. HE STEPPED TO THE SIDE SO HE COULD OPEN THE DOOR, COULD ONLY SEE A PART OF HIS BODY. I DIDN'T ENTER THE HOUSE. I DON'T REMEMBER SAYING ANYTHING ABOUT MY FOOTPRINTS EXCEPT TO DET. BURKE.
301	IF	AFTER JAMES SAID HE WOULDN'T SHAKE MY HAND, THERE WERE NO WORDS SAID, I SAW THE GUN, I TURNED AROUND AND STARTED TOWARDS ELI. HE NEVER SAID TO LEAVE UNTIL HE PULLED THE GUN UP. HE SAID I DON'T WANT TO SHAKE YOUR FUCKIN HAND, GET THE FUCK OUT. I DIDN'T HAVE ANY GLOVES. ELI DIDN'T HAVE GLOVES.
	LM	NOTHING FURTHER
303	IR	RE-CROSS
	IF	I DIDN'T TELL TROOPER BENNETT THAT I WAS TAKING TRAMADOL. I SAID ELI WAS TAKING TRAMADOL AND ONE OTHER. REMEMBER SAYING IN STATEMENT I TOLD JAMES WE WERE LEAVING.
	IR	A MOMENT IN PLACE
	J	YES.
305	IR	WOULD LIKE STATE'S EXHIBIT 10
	J	MR. MARSHALL, CAN YOU LOCATE THE SUB-FILE
	LM	I WILL TRY.
307		911 TAPE RE-PLAYING (PETE GEE CALL)
308		911 TAPE RE-PLAYING (IAN FRIER CALL)
312	IR	YOU CAN STOP THE AUDIO
	IR	RE-CROSS
	IF	I SAID I NEVER DID ANYTHING WRONG IN MY LIFE. I SAID THAT BECAUSE WHY WOULD SOMETHING LIKE THAT WOULD HAPPEN.
	IR	NOTHING FURTHER

	LM	NO RE-DIRECT
	J	WE WILL TAKE A 15 MINUTE BREAK.
314		AFTERNOON RECESS
333		BACK ON THE RECORD
	LM	STATE CALLS KATIE RIVERA
	SWORN	KATIE RIVERA
	KR	INVESTIGATED A SHOOTING ON THANKSGIVING. TRAVEL AMERICA, SAGLE, BONNER COUNTY, IDAHO. ASSISTING DET. BURKE ON INVESTIGATION. WAS INSTRUCTED TO START MEASURING SCENE AND TAKING PHOTOGRAPHS. TOOK COUPLE HOURS. RECOVERED A HANDGUN. IT WAS SITTING ON A TABLE INSIDE THE TRAILER. THERE WERE PEOPLE IN THE TRAILER. SECURED IT IN AN EVIDENCE BAG AND PLACED IT INTO EVIDENCE. OPENED CYLINDER BACK AT BCSO. SIX ROUNDS IN REVOLVER. FIVE LIVE, ONE SPENT. FURTHER ANALYSIS WAS DONE, PHOTOGRAPHS AND REMOVED AMMO. EVIDENCE TECH SENT IT OFF FOR FURTHER EVIDENCE.
	KR	THE WHITE FORD WAS TAKEN INTO EVIDENCE AT SHERIFF'S OFFICE BY DET. BURKE. SEARCHED SCENE. FOUND 5 RIFLES AND KNIVES. ADVISED THEY BELONGED TO JAMES ANDERSON. THEY HAD BEEN BROUGHT OUT FROM RESIDENCE. DID NOT FIND ANY OTHER WEAPONS. SEARCHED TRUCK. DID NOT FIND ANY WEAPONS OR KNIVES. NO GLOVES. ALSO SEARCHED MR. HOLT'S VEHICLE. FOUND BLACK GLOVES. NOT SURE WHERE HIS VEHICLE WAS. DIDN'T SEE IT AT SCENE. RED CHEVY LUV TRUCK. WOULD HAVE REMEMBERED SEEING IT THERE WHEN I WAS TAKING PHOTOGRAPHS. SEARCHED BED OF WHITE TRUCK. BULLET FRAGMENTS WERE FOUND. APPEARED THEY CAME THROUGH DRIVER'S SIDE OF VEHICLE. SHOWN STATE'S EXHIBIT 5, THAT IS THE FORD TRUCK I'M TALKING ABOUT. IT HAS A CAMPER SHELL. THIS WINDOW IS GLASS. THERE WERE 3 SEPARATE HOLES IN IT. APPEARED TO COME FROM BULLET FRAGMENTS. ORANGE MARK IS SOMETHING LAW ENFORCEMENT DID TO MARK TIRES.
342	KR	SEARCH OF MR. HOLT'S VEHICLE WAS IN SHERIFF'S IMPOUND YARD. THE GLOVES FOUND WERE IN GLOVE BOX. NO WEAPONS FOUND IN TRUCK. WENT TO AUTOPSY OF MR. HOLT. TOOK PICTURES. THAT IS WHERE THE MORGUE IS. DOCTOR SALLY AIKEN CONDUCTED. HANDED STATE'S EXHIBIT 9. AUTOPSY PHOTO. IT'S BEEN CLEANED UP. IT'S BEEN SCRUBBED UP AND WASHED AROUND
	LM	STATE MOVES TO ADMIT 9
	IR	NO OBJECTION
	J	STATE'S EXHIBIT # 9 IS ADMITTED
	KR	STATE'S EXHIBIT #7 DESCRIBES.
	LM	MOVE FOR ADMISSION
	IR	NO OBJECTION
	J	STATE'S EXHIBIT 7 IS ADMITTED.
345	IR	CROSS
	KR	I WALKED AROUND THE TRAILER AND AREA OF TRAILER AND TOOK PHOTOS. WAS SEVERAL HOURS AFTER I GOT THERE. NOT SURE IF THERE WAS A SEARCH BEEN SCENE AND PADILLA HOME. I LEFT JUST BEFORE TOW TRUCK HOOKED UP TO IAN'S TRUCK. DET. BURKE WAS THERE BEFORE I ARRIVED.
	IR	NOTHING FURTHER
	LM	RE-DIRECT
	KR	NEVER TOLD ANY OTHER WEAPONS FOUND
	J	WITNESS EXCUSED
	LM	CALL CATHERINE ROSE
346	SWORN	CATHERINE ROSE
	CR	I GO BY KIT. ELECTED CORONER. EXPLAINS QUALIFICATIONS TO BE CORONER. DESCRIBES PERSONAL QUALIFICATIONS.
349	CR	I WENT TO TRAVEL AMERICA AFTER RECEIVING A CALL OF A BODY.

		PURPOSE TO ALL UNATTENDED OR SUSPICIOUS WRONGFUL DEATHS. EXPLAINS. MY JOB IS TO TAKE RESPONSIBILITY OF THE BODY. IDENTIFIED BODY. NO QUESTION HE WAS DEAD. I DID HAVE THE BODY AUTOPSIED. WENT SEND THEM TO SPOKANE MEDICAL EXAMINERS. SPOKANE COUNTY. HOLLY FAMILY HOSPITAL. THAT'S DR. SALLY AIKEN. RECEIVED HER FINDINGS AND REPORT.
	LM	STATE'S EXHIBIT 12 - WAS RE-MARKED FROM STATE'S EXHIBIT 10 WHEN CLERK BROUGHT TO MY ATTENTION WE ALREADY HAD A 10.
351	CR	THIS IS THE AUTOPSY REPORT. EXPLAINS.
	LM	MOVE FOR STATE'S 12
	IR	NO OBJECTION
	J	STATE'S EXHIBIT # 12 IS ADMITTED
	CR	CAUSE OF DEATH IS GUNSHOT TO HEAD. HOMICIDE.
	LM	NOTHING FURTHER.
352	IR	CROSS
	CR	TOXICOLOGY WAS INCLUDED. HE WAS POSITIVE FOR CERTAIN DRUGS AND ALCOHOL. THC WHICH IS MARIJUANA AND ALCOHOL. ALSO TRAMADOL. RECITES ADVERSE REACTIONS.
	IR	NOTHING FURTHER.
	LM	RE-DIRECT
354	CR	NOT COMPLETELY FAMILIAR WITH TRAMADOL, CANNOT GIVE AN OPINION.
	LM	NOTHING FURTHER
	IR	NOTHING FURTHER
	J	QUANTIFICATION OF ALCOHOL LEVEL
	CR	.18
	COUNSEL	NOTHING FURTHER.
	LM	CALL DET. BURKE
	SWORN	DETECTIVE BURKE
356	HB	HOWARD BURKE. DET WITH BONNER COUNTY SHERIFF'S OFFICE. DESCRIBES EXPERIENCE. ALL WITH BONNER COUNTY. LEAD DETECTIVE IN HOLT INVESTIGATION. WENT TO CRIME SCENE. ONCE I ARRIVED I WAS BRIEFED BY SGT HARRIS. THEY TOLD ME WHERE ANDERSON AND FREIR WERE. OFFICERS WERE KEEPING TRACK OF WHO WAS COMING IN AND OUT. I TALKED TO WITNESSES FIRST THING. I SPOKE TO MR. ANDERSON FIRST THING. MY REPORT HAS VERBATIM. HE SAID HE AND WIFE HEARD KNOCK AT DOOR. MAN AT DOOR ASKING FOR JAMES. STEPPED OUTSIDE. TOLD WIFE TO STAY INSIDE. THIS GUY YANKED HIM OFF PORCH AND FORCED HIM AGAINST TRUCK. PHYSICAL ALTERCATION AND KNIFE AT HIS THROAT. THREATENED WIFE, KIDS AND HIMSELF. SAID HE DIDN'T KNOW WHO THIS WAS AND DIDN'T KNOW WHY THEY WERE DOING THIS. REFERRING TO SAME TRUCK THAT WAS STILL PARKED THERE. MR. ANDERSON HAD BEEN DETAINED BY OFFICERS AND IN BACK OF POLICE CAR. READ MIRANDA. SAID HE WOULD SPEAK TO ME. HE SAID THERE WAS A SECOND SUBJECT THERE THAT GOT PHYSICAL WITH HIM. HIS WIFE CAME OUT AND ASKED IF HE SHOULD CALL COPS. HE SAID HE GOT AWAY AND WENT TOWARDS HOUSE.
400	HB	AT THIS TIME HE HAS THE GUN, TURNS AROUND AND MR. FREIR SAYS WE'LL TAKE CARE OF THIS ANOTHER TIME. THEN TALL ONE JUMPS HIM. CAME UP FROM BEHIND. SAID HE DIDN'T KNOW THESE TWO PEOPLE. HE SAID WHEN THE GUY GRABBED HIM AND MAKING THREATS HE PULLED THE GUN UP AND SHOT. HE SAID HE PUSHED LEANN OUT OF THE WAY. THERE ISN'T MUCH MORE. I GIVE HIM A WRITTEN STATEMENT. I'VE HEARD HIS STORY AND ASK HIM TO WRITE ONE, HAVE CUFFS REMOVED BY ANOTHER OFFICER. HE FILLED ONE OUT. IT IS ESSENTIALLY THE SAME. WHEN I CAME BACK TO PICK UP, I WENT OVER IT WITH HIM. SINCE THAT TIME I'VE TALKED TO OTHER WITNESSES.
403	HB	LOOKED AT THE FRONT OF THE TRUCK. NO SNOW ON THE GROUND. THERE WAS DUST COVERING TRUCK AND A SLING OF MUD OVER TIRE WELL.

		DIDN'T LOOK LIKE ANYONE HAD BEEN AGAINST IT. LOOKED FOR DISTURBANCE ON TRUCK. I COULD SEE THE TRUCK CLEARLY, LIT IT UP WITH ALTERNATIVE LIGHT, TRYING TO CONFIRM STATEMENTS. FROM TIME I GAVE HIM WRITTEN STATEMENT TO WHEN I CAME BACK TO GO OVER, WAS ABOUT 2 HOURS. I NEVER KNEW HIM BEFORE. HIS EMOTIONAL STATE WAS GOING DOWN HILL. HIS BREATHING WAS REALLY IRREGULAR. HARD TIME MAKING FULL SENTENCES.
	IR	OBJECTION - SPECULATION
	J	SUSTAINED.
	HB	DID NOT SEE ANY PHYSICAL INDICATORS OF ALCOHOL ON HIM. AS EVENING WENT ON, HE WAS STILL VERY RESPONSIVE TO MY QUESTIONS.
	LM	STATE'S EXHIBIT 13
408	HB	THAT IS THE STATEMENT BY DEFENDANT. I DON'T THINK HE SIGNED IT IN FRONT OF ME. I SIGNED IT AFTER I WENT OVER IT WITH HIM. HE DIDN'T WANT TO CHANGE ANYTHING.
	LM	MOVE FOR ADMISSION OF 13
	IR	NO OBJECTION
	J	STATE'S EXHIBIT #13 IS ADMITTED
	HB	WE HAVE A DIGITAL RECORDING OF THIS STATEMENT. IT'S BEEN DISCOVERED. THIS PRETTY WELL SAYS IT HERE.
	HB	HAD OPPORTUNITY TO INTERVIEW HIS WIFE, AT SPACE 60. INSIDE THE TRAILER.
411	HB	SPOKE TO LEANN ABOUT WHAT HAPPENED. SHE SAID NO ONE CALLED HER A BITCH. I ASKED IF YOU WERE GOING TO HIT HIM, AND SHE SAID NO. HER STATEMENTS DIDN'T SUPPORT THE ALTERCATION. SHE SAID SHE DIDN'T SEE ANY JUMPING. SHE SAID HE JUST WALKED OUT AND SHOT HIM. SHE SAID SHE SAW JAMES RAISE THE GUN AND SHOOT.
412	HB	NEXT CONTACT WITH JAMES IS NEXT MORNING AT THE SHERIFF'S OFFICE. I TOLD HIM AT THE SCENE THE REASON FOR HIS ARREST. I WENT OVER OTHER STATEMENTS BY JENNIFER AND MR. FREIR. INCONSISTENCIES. I WENT BACK TO TALK TO HIM, NOT TO INTERVIEW BUT THAT HE SHOULD GET AN ATTORNEY. HE HAD NEVER SAID HE WANTED TO GET AN ATTORNEY, BUT SAID HE WANTED TO TELL ME THE TRUTH.
414	HB	I SAID I COULDN'T TALK TO HIM AND NEEDED HIM TO SIGN A MIRANDA FORM. I NEEDED TO GET A RECORDER. HE TOLD ME HE HAD LIED BECAUSE HE DIDN'T WANT ANYONE TO KNOW HE HAD BEEN INVOLVED IN THE FIGHT WITH HINES. HE SAID HE WASN'T ATTACKED. THE HINES FIGHT HAPPENED PREVIOUSLY.
415	HB	HE SAID THAT THEY DID THREATEN HIM. SAID THE TALL ONE STILL ENTERED THE TRAILER. HE SAID HE HAD THE GUN AND WANTED TO LET THEM KNOW HE MEANT BUSINESS. HE PUT HIS FINGER OVER TRIGGER GUARD. HE WENT OUT TO GET THEM OFF PROPERTY. WAS GOING TO SHOOT OVER HIS HEAD OR TELL THEM TO GET OFF. SAID THE GUN ACCIDENTALLY DISCHARGED. HE DIDN'T MENTION USING THE PHONE OR A PHONE CALL. LEARNED THAT LATER. IT WAS A LETTER HE WROTE TO HIS WIFE ABOUT HIS LAWYER SAID TO TELL THE TRUTH. THAT'S WHERE I GOT THAT INFORMATION. ASCERTAINED IT WAS PATRICK ZIARNICK. EXPLAINS HOW.
418	HB	PATRICK DIDN'T TELL ME THAT HE WAS ONE THE PHONE WITH JAMES WHEN I FIRST ASKED HIM. WENT BACK AND RE-INTERVIEWED PATRICK AFTER THIS NEW KNOWLEDGE. ALL REPORTS FROM ALL OFFICERS COME TO ME AS LEAD. NO WEAPON WAS FOUND ASSOCIATED WITH MR. FREIR OR MR. HOLT. I SPECIFICALLY REQUESTED A PERIMETER SEARCH FOR WEAPONS. ALSO FROM SCENE AND WHERE OTHER TRAILER, WHERE CELL PHONE WAS LOST. NO GLOVES FOUND. MR. HOLT'S LUV WAS AT ROUNDSDVILLE RESIDENCE. I NEVER SAW THE VEHICLE, REQUESTED RECORD FOR IMPOUND. I NEVER WENT TO SPACE 38.
	LM	NOTHING FURTHER

421	IR	CROSS
	HB	LEANN SAID AT 28 TH INTERVIEW, SAID THEY WERE EATING DESSERT, KNOCK ON DOOR, SHE LOOKED AT CLOCK ON STOVE. JAMES WENT TO DOOR; MAN ASKED IF JAMES WAS THERE AND IF HE KNEW HINES. JAMES SAID I WILL TAKE CARE OF THIS AND STEPPED OUT. SHE REMAINED THERE TO LISTEN FOR A BIT. I DON'T KNOW ABOUT THE THIRD PERSON STATEMENT WAS IN THE FIRST STATEMENT. CAN'T SAY THAT UNDER OATH. SHE WENT TO CHECK ON KIDS, THEN OPENED DOOR, HEARD SOMETHING ABOUT HAVING GUN AND WERE GOING TO JACK HIM UP. SHE PUT ON SHOES AND COAT AND WENT TO AND ASKED IF SHE SHOULD CALL POLICE.
	HB	HOLT CONFRONTS HER AND JAMES HEADS FOR HOUSE. TALL GUY FOLLOWS HIM TO RESIDENCE. HER AND HOLT ARGUING. NOT FAR FROM FACE. SHE MENTIONS THAT HE CALLS HER A BITCH. I WAS ASKING THESE QUESTIONS IN LIGHT OF JAMES' STATEMENT. I ASKED IF SHE WAS THREATENED BY ELI AND SHE SAID SHE DIDN'T FEEL THREATENED BUT SHOULD HAVE BEEN. SHE WANTED THEM TO LEAVE HER ALONE. SHE LOOKED BACK AND TALL ONE WAS STANDING IN DOORWAY.
425	HB	DIDN'T COMMIT HE WENT IN. THEN SAID JAMES WAS JUST THERE. HE RAISES THE GUN AND JUST SHOOTS. TALL ONE FREAKED OUT AND THEN SHE FREAKED OUT. AT THE THIRD INTERVIEW HE WAS BREATHING SPORADICALLY AND HE HAD SAID HE VOMITED. THERE WERE NO DETAILS ABOUT THE THREATS OTHER THAN THEY WERE AGAINST HIM AND HIS FAMILY.
428	HB	THE QUESTION ABOUT STANDING BY THE TRUCK I ASKED BECAUSE I DIDN'T FIND ANY DISTURBANCE ON THE TRUCK. I READ THE CITY REPORT AND SAID HE HAD STRUCK HINES. HE SAID HE MUST HAVE SAID SOMETHING THAT UPSET HIM. HE SAID ZIARNICK AND WIFE'S SISTER WERE TRYING TO MAKE MARRIAGE WORK. HINES WAS STILL SENDING TEXTS AND GIFTS TO CHI.
430	HB	JAMES' CLOTHES ARE IN EVIDENCE SET UP TO BE SENT TO A TRACE EXAMINER. WE HAVE A CERTAIN SEQUENCE TO EXAMINE THE VEHICLES. NO EVIDENCE OF DIRT ON BACK OF COAT. NOT FAIR OR QUALIFIED TO MAKE THAT STATEMENT AT THIS POINT.
	IR	NOTHING FURTHER
431	LM	RE-DIRECT
	HB	AFTER FIRST STATEMENT, AND NEXT STATEMENTS, I STILL DIDN'T KNOW WHAT HAD HAPPENED. WHEN HE SAID HE HAD BEEN CHOKED, I DIDN'T CHECK HIM. HE WAS SITTING IN BACK OF CAR WITH HEAD HANGING DOWN. HE HAD BEEN ARRESTED AND BEEN ON GROUND. I WANTED TO GET OTHER INFORMATION. WHEN I GOT TO JAIL HE ALREADY HAD JAIL CLOTHES. I DO HAVE THE CLOTHES FOR THE FORENSIC EXAMINER TO DETERMINE.
433	HB	JAMES SAID WHEN HE SHOWED FREIR THE GUN,
	IR	OBJECTION -
	HB	YOU ARE CORRECT AND I'M JUST TRYING TO GET THE QUESTION CORRECT IN MY MIND.
	HB	YES, FREIR SAYS WE CAN DO THIS LATER, OR WE DON'T NEED TO DO THIS NOW. WHEN FREIR JUMPS HIM AND THEY ROLL OVER AND SEES THE GUN, THAT'S WHEN HE SAYS HE SAID THAT. LATER IN THE JAIL I'M NOT SURE, A LOT OF DETAILS AND SOME OF THESE INCIDENTS DIDN'T TAKE PLACE. ANDERSON SAID HE ENTERED THE TRAILER BUT DIDN'T TAKE HIM TO THE FLOOR.
435	HB	WHEN I FIRST LOOKED AT MR. HOLT, DOESN'T APPEAR HE HAD BEEN MOVED. I DID THE SPRAY PAINT ON THE TRUCK TIRES. EXPLAINS. MAKE SURE TRUCK STAYS RIGHT WHERE IT IS. MR. HOLT HAD CAR KEYS IN ONE HAND. AT ABOUT 12 INCHES AWAY, LOOKED FOR SCRAPES, CUTS OR FRESHLY BROKEN NAILS. ONLY FOUND KEYS.
	LM	NOTHING FURTHER

	IR	NO RE-CROSS
	LM	STATE RESTS
	J	ANY DEFENSE WITNESSES
	IR	NO
	J	REQUEST ANY RECESS PRIOR TO CLOSING
	IR	5 MINUTES.
438		RECESS
445		BACK ON THE RECORD
	J	BEFORE I TAKE CLOSING - MR. MARSHALL, RESERVE RIGHT TO REBUTTAL.
	LM	NOT SURE I WILL REBUT, BUT WILL GO FIRST.
	J	GO AHEAD
	LM	CLOSING ARGUMENT
	J	ISN'T SHEEHAN CASE UNIQUE - EXPLAINS.
450	LM	AGREE BUT IT'S STILL A JURY INSTRUCTION. CONTINUES CLOSING ARGUMENT.
	J	ISN'T THAT THE MOST LOGICAL CONCLUSION IN THIS SITUATION.
	LM	ARGUMENT.
	J	WHAT'S RATIONAL MOTIVE
	LM	MOTIVE IS NOT PART OF THE CRIME. ARGUMENT.
	J	VERY COMPELLING CIRCUMSTANCE. SIMPLY ASKING STATE WHY THAT WOULD BE DONE IN SUCH FASHION.
	LM	RATIONAL PEOPLE DON'T SHOOT OTHER PEOPLE IN THE FACE. ARGUMENT
	J	MS. ROBERTSON, CLOSING ARGUMENT?
457	IR	ARGUMENT
	J	WHY SHOULD THE COURT FIND THE FINAL STATEMENT BY YOUR CLIENT THE HONEST ONE WHEN HE LIED THREE TIMES PREVIOUSLY
	IR	DEFENSE'S CLOSING ARGUMENT.
	J	ANY REBUTTAL?
505	LM	YES. MS. ROBERTSON GOT INTO MANSLAUGHTER AND SECOND DEGREE. REBUTTAL ARGUMENT. REAL QUESTION IS FIRST DEGREE OR SECOND DEGREE.
	J	ARGUMENT ON MALICE.
	LM	REBUTTAL.
	J	WHAT IF I SHOW YOU A NICE NEW PISTOL AND IT GOES OFF AND KILLS YOU. IS THAT NOT THE PERFECT STATUTE.
	LM	FOR THAT YOU JUST SAID AND NOT WHERE SOMEONE WALKS OUT OF HIS HOUSE AND SHOOTS A MAN IN THE FACE. REBUTTAL.
510	J	BEFORE I GET INTO MY DECISION. WOULD LIKE TO COMPLIMENT THE COUNSEL AND PEOPLE ON BOTH SIDES AND THE EMOTIONAL STATE OF ALL INVOLVED. DIFFICULT JOB FOR ALL TO DO.
	J	DO HAVE TO MAKE SOME FINDINGS OF FACT AND RULINGS.
511	J	WON'T GO THROUGH SOME OF THE OBVIOUS ELEMENTS. NO DISPUTE IN EVIDENCE ABOUT THOSE
	J	BEST PLACE TO START IS AT THE END. REFER TO STANDARD STOCK SUPREME COURT JURY INSTRUCTIONS ON FIRST DEGREE AND SECOND DEGREE AND VOLUNTARY MANSLAUGHTER RAISED BY DEFENSE. CITES.
	J	IN THIS STATE PROSECUTION MUST MEET BURDEN ON SELF DEFENSE. STATE HAS MET THAT BURDEN. EXPLAINS. EVIDENCE SHOWS THERE WAS NOT SELF-DEFENSE.
514	J	MALICE WITH FORE THOUGHT - CITES IDAHO CODE. SECOND DEGREE. STATE IS SEEKING BOUND OVER ON FIRST DEGREE. REFERS TO JURY INSTRUCTION 705. FIRST DEGREE IS WORST CRIME KNOWN. DEATH PENALTY CAN BE AUTHORIZED. VERY HIGH BURDENS THAT HAVE TO BE MET. READS FROM JURY INSTRUCTION. THIS IS A VERY HIGH BURDEN OF PROOF. QUESTION IS - WHETHER OR NOT EVIDENCE REACHES LEVEL. EXPLAINS.

518	J	WE TURN TO EVIDENCE AND TESTIMONY. I'M IN NO POSITION TO SAY I KNOW EXACTLY WHAT HAPPENED THAT NIGHT, OTHER THAN THOSE THAT WERE THERE. MR. ANDERSON WASN'T EVEN THERE THE WHOLE TIME. SHE WOULD HAVE A BIASED BECAUSE SHE LOVES HER HUSBAND AND FATHER OF HER TWO BOYS. MR. FREIR HAS A SIGNIFICANT BIAS, HE LOVES HIS BROTHER THAT HE LOST. HE PROBABLY FEELS GUILTY OF INVOLVEMENT AND POOR CHOICES. MAYBE A LITTLE MORE SOBER AND TALKED BROTHER OUT OF GOING THERE, MAY NOT BE HERE TODAY. LOTS OF REGRET ON BOTH SIDES. ELI HAD MARIJUANA AND ALCOHOL ALONG WITH OTHER DRUGS IN SYSTEM. ELI WAS MORE SOBER THAN IAN. ELI WAS UPSET FOR FRIEND BEING ACCOSTED. COURT DIDN'T PUT A LOT OF AUTHORITY INTO THAT THEY WENT TO HOUSE TO JUST TALK. MORE LIKELY THEY WENT THERE, HEAVILY INTOXICATED AND EXACT SOME REVENGE FOR JUSTIN AND FOUND HIM. DOES NOT JUSTIFY THE SHOOTING OF ELI.
	J	BUT THERE IS A RELEVANCE THERE. I DIDN'T BELIEVE EVERYTHING THAT MS. ANDERSON SAID BUT A MORE ACTUAL DEPICTED STORY THAT WHAT IAN SAID. STILL, DOESN'T JUSTIFY TAKING A LIFE.
522	J	QUESTION BECOMES - STATE MET BURDEN OF PROVING DELIBERATE DECISION, WEIGHING PROCESS. EXPLAINS.
	J	WE HAVE TO LOOK AT CIRCUMSTANCES FOR HIGH BURDEN OF PROOF. EXPLAINS. THIS IS IN FACT AN ELEMENT, WHAT WAS IN DEFENDANT'S MIND. EXPLAINS
	J	I CANNOT GET THERE ON THE EVIDENCE PRESENTED. I KNOW THAT THE FAMILY IS GOING TO BE UPSET BY THIS. EXPLAINS. READS SENTENCE. THAT DESCRIBES EXACTLY WHAT HAPPENED. STUPID RASH DECISION. PULL UP A GUN AND PULL A TRIGGER.
	J	FIND THAT PC ESTABLISHED ON SECOND DEGREE. CITES POTENTIAL MAXIMUM PENALTIES.
	J	WILL NOT GO INTO ANALYSIS ON MANSLAUGHTER.
	J	BOUND OVER TO DISTRICT COURT - ARRAIGNMENT FEBRUARY 17, 2009 AT 9 AM BEFORE JUDGE VERBY. DEFENDANT REMANDED BACK TO BCSO. BAILIFF WILL ESCORT YOU OUT.
	J	COURT IS ADJOURNED
525		END

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2009 JAN 23 A 10:34

MARSHALL
CLERK DISTRICT COURT**BONNER COUNTY PROSECUTING ATTORNEY
LOUIS E. MARSHALL (ISB #6441)**127 S. First Avenue
Sandpoint ID 83864
(208) 263-6714
(208) 263-6726 (Fax)IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**STATE OF IDAHO,**

Plaintiff,


vs.

JAMES M. ANDERSON,

Defendant.

Case No.: **CR-2008-7529****MOTION FOR DISQUALIFICATION
WITHOUT CAUSE PURSUANT TO
IDAHO CRIMINAL RULE 25(a)**

COMES NOW the Office of the Prosecuting Attorney and pursuant to Idaho Criminal Rule 25(a) hereby moves the Court to Disqualify the Honorable John Mitchell, District Judge in the above entitled matter.

DATED this 22nd day of January, 2009.

LOUIS E. MARSHALL
Prosecuting AttorneyMOTION FOR DISQUALIFICATION WITHOUT CAUSE
PURSUANT TO I.C.R. 25(a) - 1.

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of January, 2009, I caused, to be served, a true and correct copy of the foregoing document as addressed to:

Judge Luster -- fax'd

Administrative District Judge
PO Box 9000
Coeur d'Alene, ID 83816-9000

Judge Verby -- fax'd

District Judge
Courthouse mailbox
Sandpoint, ID

Isabella Robertson

Public Defender
Courthouse mailbox
Sandpoint, ID

Judge Mitchell -- fax'd

District Judge
P.O. Box 9000
Coeur d'Alene, ID 83816-9000



Legal Assistant

From: BONNER COUNTY PROSECUTOR

12082636728

01/23/11 11:27

#164 P. 003/004

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 JAN 23 P 3 30

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTYIN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No.: CR-2008-7529

ORDER FOR DISQUALIFICATION
WITHOUT CAUSE PURSUANT TO
IDAHO CRIMINAL RULE 25(a)

Pursuant to the motion filed pursuant to I.C.R. 25(a), the undersigned District Judge
now disqualifies himself.

IT IS HEREBY ORDERED that the Honorable Judge John T. Mitchell is
disqualified from presiding over all proceedings in this matter.

DATED this 23rd day of January, 2009.


JOHN T. MITCHELL
District Court Judge

Bon: BONNER COUNTY PROSECUTOR

12082636725

01/23/09 11:27

#184 P.004/004

CERTIFICATE OF MAILING

I hereby certify that on the 24 day of January, 2009, I caused, to be served, a true and correct copy of the foregoing document as addressed to:

~~Judge Luster~~
~~Administrative District Judge~~
~~Fax: 208-446-1119~~

Louis E. Marshall
Prosecuting Attorney
Courthouse mailbox
Sandpoint, ID

Isabella Robertson
Public Defender
Courthouse mailbox
Sandpoint, ID

A. Phillips
Deputy Clerk

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 JAN 23 P 1:18

BONNER COUNTY PROSECUTING ATTORNEY
Louis E. Marshall (ISBN 6441)

127 South First Avenue
Sandpoint, ID 83864
(208) 263-6714
(208) 263-6726 Fax

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES M. ANDERSON,)
 1-1-1980)
)
 Defendant.)

Case No. **CR-2008-7529**

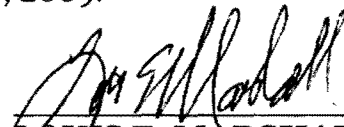
INFORMATION

COMES NOW Louis E. Marshall, Bonner County Prosecuting Attorney, for and on behalf of the State of Idaho, and hereby complains and informs the Court that **James M. Anderson** did commit the crime of **Second Degree Murder**, a Felony, Idaho Code §§ **18-4001, 18-4002, 18-4003, 18-4004**, committed as follows:

The Defendant, **James M. Anderson**, on or about the 27th day of November, 2008, in the County of Bonner, State of Idaho, did willfully, unlawfully, deliberately and with malice aforethought kill and murder Elvin J. Holt, a human being, by shooting Elvin J. Holt in the head with a 44 caliber handgun.

All of which is contrary to the form, force and effect of the statute in such cases made and provided and against the peace and dignity of the State of Idaho.

DATED this 22nd day of January, 2009.



LOUIS E. MARSHALL
Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was delivered this 23rd day of Jan, 2009, to the following addresses indicated below:

Isabella Robertson

Public Defender
Courthouse mailbox
Sandpoint, ID



Legal Assistant

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2009 JAN 27 P 1:51

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

CLERK DISTRICT COURT

[Signature]
DEPUTY

STATE OF IDAHO,)

Plaintiff,)

vs.)

JAMES M. ANDERSON,)

01-01-1980)

Defendant.)

Case No. **CR-2008-7529**

**ORDER FOR PREPARATION OF
TRANSCRIPT**

Pursuant to the Motion filed by Louis E. Marshall, Prosecuting Attorney for Bonner County, Idaho, for the preparation of a transcript of the entire Preliminary Hearing, including arguments of counsel and ruling of the Court, in the above-entitled matter held on the 21st day of January, 2009, and good cause appearing, now, therefore,

IT IS HEREBY ORDERED that the Clerk of Court shall direct that a transcript be prepared of the entire Preliminary Hearing in the above-entitled matter held on the 21st day of January, 2009, and submit the same to Court and Counsel.

DATED this 27th day of January, 2009.

[Signature]
STEVE VERBY
District Court Judge

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was delivered this 27 day of

January

, 2009, to the following addresses indicated below:

Louis E. Marshall

Prosecuting Attorney
Courthouse mailbox
Sandpoint, ID

Isabella Robertson

Public Defender
Courthouse mailbox
Sandpoint, ID



Deputy Clerk

BONNER COUNTY PUBLIC DEFENDER
Isabella Robertson (ISBN: 6068)
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 JAN 29 P 2: 22

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	
	)	CASE NUMBER CR-08-0007529
Plaintiff,)	
	)	MOTION FOR O.R. RELEASE OR FOR
V.	)	REDUCTION OF BOND; NOTICE OF
	)	HEARING
JAMES M. ANDERSON,)	
	)	DATE: FEBRUARY 17, 2009
Defendant.	)	TIME: 9:00 A.M.
)	

COMES NOW the above-named defendant, by and through his attorney, Isabella Robertson, Bonner County Public Defender, and hereby moves the Court for its Order granting the Defendant release on his own recognizance, or, alternatively, reducing the Defendant's bond in this matter.

This motion is made pursuant to the 8th and 14th amendments of the U.S. Constitution; Article I, §§ 6 and 13 of the Idaho Constitution; and I.C.R.46.

This motion is made on the ground that the bond as set violates the Defendant's rights to due process and to be free from excessive bond and cruel and unusual punishment as guaranteed by the U.S. and Idaho Constitutions.

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion for O.R. Release or for Reduction of Bond on for hearing on **February 17, 2009, at the hour of 9:00 a.m.**, or as soon thereafter as counsel may be heard before the **Honorable Steve Verby, District Judge.**

DATED this 29th day of January, 2009.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: *J. Robertson*
ISABELLA ROBERTSON
PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the foregoing were personally served by depositing copies thereof in the courthouse mailbox or by facsimile on the 29th day of January, 2009, addressed to:

Louis Marshall
Bonner County Prosecuting Attorney
Via Fax: 263-6726

Bonner County Jail
Via Fax: 255-1975.

Cherie Walpole

ORIGINAL

BONNER COUNTY PUBLIC DEFENDER
Isabella Robertson (ISBN: 6068)
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 FEB -5 P 2: 12

MARIE SCOTT
CLERK DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

DEFENDANT'S OBJECTION TO
NOTIFICATION PER RULE 404(b)

COMES NOW Defendant, James M. Anderson, by and through his attorney of record, Isabella Robertson, Bonner County Public Defender, and objects to the State's Notification Per Rule 404(b) served January 23, 2009. The proffered evidence is not admissible in that it seeks to prove the character of the Defendant to show that he acted in conformity therewith, and could not be used to show proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake in connection with any facts relating to this case. Such evidence is irrelevant and inflammatory, and its probative value is substantially outweighed by the danger of unfair prejudice to the Defendant.

DATED this 4 day of February, 2009.

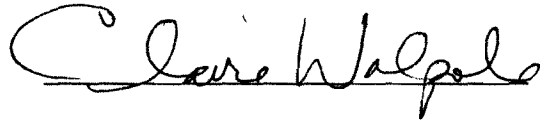
OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY Isabella Robertson
ISABELLA ROBERTSON
PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by facsimile on the 5th day of February, 2009, addressed to:

Louis Marshall
Bonner County Prosecuting Attorney
Fax: 263-6726.

A handwritten signature in cursive script, reading "Claire Walpole", written over a horizontal line.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

SR. JUDGE: JAMES R. MICHAUD
REPORTER: VAL LARSON
CLERK: CHERIE MOORE
DIVISION: DISTRICT

CASE NO. CR-2008-0007529
DATE: 02/17/2009 TIME: 09:00 AM
CD: 09-056

STATE OF IDAHO

vs JAMES M. ANDERSON

Plaintiff/Petitioner

Defendant/Respondent

Atty: LOUIS MARSHALL

Atty: ISABELLA ROBERTSON

SUBJECT OF PROCEEDINGS
CHARGE

ARRAIGNMENT/MOTION FOR BOND REDUCTION

INDEX	SPEAKER	PHASE OF CASE
	J	Calls Case
		Present: DEFENDANT PRESENT IN CUSTODY, ISABELLA ROBERTSON, SHANE GREENBANK FOR LOUIS MARSHALL
	J	[ROLL CALL - ADVISES DEFENDANT OF RIGHTS – 9:15 - 9:25]
10:32	J	WHAT IS THE INTENDED PLEA?
	IR	NOT GUILTY
	J	DEFENDANT ACKNOWLEDGE AND WAIVE READING OF THE INFORMATION?
	IR	YES
	J	[CITES CHARGE] – HOW MUCH TIME FOR TRIAL
	IR	5 DAYS
	SG	ANTICIPATE 3 – EXPERTS TO TESTIFY AS WELL
	J	SET FOR TRIAL WHEN?
	IR	IN JUNE BECAUSE WE NEED INFORMATION FROM MERIDIAN
	J	RIGHT TO WAIVE SPEEDY TRIAL
	IR	NOT AT THIS TIME – NOT UNTIL IT IS ABSOLUTELY NECESSARY
10:35	J	SET FOR PRETRIAL CONFERENCE ON MAY 7TH AT 2:00 PM – 28 DAYS TO FILE PRETRIAL MOTIONS – 5 DAY JURY TRIAL ON MAY 11, 2009, AT 9:00 AM
	J	OBLIGATION IS FOR YOU TO STAY IN TOUCH WITH YOUR LAWYER – THIS MATTER WAS NOTICED FOR BOND REDUCTION – WISH TO PROCEED?
	IR	STIPULATION TO LOWER IT TO \$200,000
	SG	YES – HANDLING THIS CASE FOR MR. MARSHALL TODAY
	J	CRITERIA, INFORMATION ABOUT YOUR CLIENT?
	IR	MY CLIENT HAS LIVED HERE FOR ABOUT 4 YEARS – HE HAS A NUMBER OF FRIENDS IN THE AREA – CLIENT HAS BEEN INCARCERATED SINCE THANKSGIVING – IF ABLE TO MAKE THAT BOND, HE WOULD NOT BE A FLIGHT RISK – HE DOES HAVE SUPPORT OF FRIENDS IN THE COMMUNITY WHERE HE WOULD BE PRESIDING
	J	RATIONAL FROM THE STATE'S POINT OF VIEW?
	SG	DO NOT KNOW WHAT AGREEMENT IS ON THAT
	J	MS. ROBERTSON?

	IR	THIS IS A VERY SERIOUS CASE – MY CLIENT HAS VERY LITTLE CRIMINAL HISTORY – HE HAS ONE BATTERY HERE IN BONNER COUNTY WHICH HE WILL BE PLEADING TO – THERE IS EVIDENCE THAT THIS WAS AN ACCIDENT
	J	WILLING TO CONTINUE THE MATTER TO TOMORROW AT 1:00 PM – WILL NOT BE HERE UNTIL I SPEAK TO HIM
	SG	MR. MARSHALL IS IN BOISE
	IR	WILL ASK TO CONTINUE THIS MATTER – TAKE DOWN MY MOTION
	J	GIVEN WHAT I'VE BEEN TOLD – IT'S INCUMBENT TO HAVE A FULL HEARING ON THIS MATTER – WISH TO HAVE MR. MARSHALL HERE – JUDGE VERBY SHOULD BE BACK ON MARCH 16 TH – WILL SET THIS MATTER FOR 1:30 PM ON MARCH 16TH FOR A MOTION TO REDUCE BAIL
10:42	END	

☒ ADULT

☐ JUVENILE

STATE OF IDAHO }
County of Bonner } ss
FILED 2/17/09
AT 9:00 O'Clock AM
CLERK, DISTRICT COURT
Deputy *cm*

JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: MICHAEL

CASE NO. CR08 -- 7529

JAMES

M.

ANDERSON

(SUBJECT'S FIRST NAME)

(SUBJECT'S MIDDLE NAME)

(SUBJECT'S LAST NAME)

☐ BY VIDEO

☒ SUBJECT APPEARED IN COURT ON: 02-17-09 AT 0900 AM

☒ SUBJECT IS TO: ☐ BE OR'D ☒ REMAIN IN CUSTODY
☐ BE RELEASED BY JUDGES ORDER
☐ BE RELEASED/TIME SERVED ☐ BOND \$ _____
☐ BE RELEASED TO PARENT/PTA
☐ MUST SIGN WAIVER OF EXTRADITION ☐ WORK RELEASE/SEARCH GRANTED
☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

☐ SENTENCED TO: ☐ _____ DAYS IMPOSED ☐ _____ HOURS ON SHERIFF'S LABOR PROGRAM.
☐ _____ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**
☐ _____ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**
☐ _____ DAYS CREDIT _____, 20____.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: _____ AT _____ M
☐ BREATH OR U/A TEST ORDERED _____ X'S WEEKLY ON: _____ AT _____ M
☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED _____ YEAR (S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN _____ AND NOT MORE THAN _____
IN THE IDAHO STATE DEPT. OF CORRECTIONS.
☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON _____ YEARS PROBATION.
☐ SUBJECT TO BE PLACED IN THE RETAINED JURISDICTION PROGRAM FOR NOT MORE THAN 180 DAYS.
☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE _____ DAYS LOCAL JAIL.

CHARGES ARRAIGNMENT -
MURDER I

PRETRIAL: MAY 07, '09 @ 2pm
N/G 5 DAY SURY TRIAL - MAY 11, 2009

JUDGE'S ORDER: SUBJECT IS TO REMAIN IN CUSTODY.

MOTION FOR BOND REDUCTION - CONTINUED
(130pm 03-16-09)

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

-111-

BAILIFF

Bonner County Public Defender's Office
Isabella Robertson (ISBN: 6068)
406 S. Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT COURT
2009 FEB 26 P 3: 01

DAVID SCOTT
DISTRICT COURT
dm

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-08-0007529
)	
V.	)	EX PARTE MOTION FOR APPROVAL OF
	)	INVESTIGATIVE FUNDS
JAMES M. ANDERSON,)	
)	
Defendant.)	
)	

COMES NOW the Defendant, James M. Anderson, by and through his attorney of record, Isabella Robertson, Bonner County Public Defender, and pursuant to I.C. §§ 19-851, 19-852, and I.C.R. 45(c), respectfully moves this Honorable Court to enter its ex parte Order approving investigative funds in the above-entitled matter.

The foregoing motion is made and based upon the Affidavit of Isabella Robertson in Support of Ex Parte Motion for Approval of Investigative Funds filed concurrently herewith.

DATED this 27 day of February, 2009.

OFFICE OF THE BONNER COUNTY
PUBLIC DEFENDER

BY *Isabella Robertson*
ISABELLA ROBERTSON
PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing the same in the Bonner County courthouse interoffice mailbox on the 26th day of February, 2009, addressed to:

Louis Marshall
Chief Deputy Prosecuting Attorney.

Clair Welzole

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2009 FEB 26 P 1:30

MARIE SCOTT
CLERK DISTRICT COURT
cm
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	
	)	Case No. CR 2008-0007529
Plaintiff,)	
	)	NOTICE OF TRIAL AND
vs.	)	PRETRIAL ORDER
)	
JAMES M. ANDERSON,)	
)	
Defendant.)	
_____)	

Upon arraignment the Defendant pled not guilty in response to the criminal allegations of the
Information; NOW THEREFORE:

IT IS HEREBY ORDERED:

1. That the matter be set for a Five-Day Jury Trial commencing May 11, 2009, at 9:00 a.m., in
Bonner County before Judge Steve Verby.

Additional Presiding Judges: Charles W. Hosack, John P. Luster, Fred M.
Gibler, Lansing Haynes, George Reinhardt, III, James R. Michaud, John H.
Bradbury

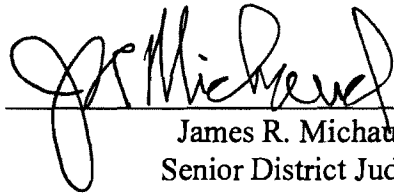
2. That any pretrial motions governed by Rule 12 I.C.R. shall be filed not later than 5:00 p.m.

March 17, 2009.

NOTICE OF TRIAL AND PRETRIAL ORDER - 1.

3. A pretrial conference will be held May 7, 2009, at 2:00 p.m., at the Bonner County Courthouse and the Defendant and counsel for the parties shall attend.
4. The defendant is ordered to be present at all hearings. Failure to be present at a hearing will result in an arrest warrant being issued for the defendant and may result in a resetting of the trial date.

DATED this 26 day of February, 2009.



James R. Michaud
Senior District Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid or by interoffice mail, this 27th day of February, 2009, to:

Isabella Robertson
Bonner County Public Defender
Courthouse Mail
Sandpoint, ID 83864

Louis Marshall
Bonner County Prosecuting Attorney
Courthouse Mail
Sandpoint, ID 83864



District Court Secretary/Deputy Clerk

cc: Jury Commissioner
Bailiff
Cherie

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: STEVE VERBY
REPORTER: VAL LARSON
CLERK: CHERIE MOORE
DIVISION: DISTRICT

CASE NO. CR-2008-0007529
DATE: 03/16/2009 TIME: 1:30 PM
CD: 09-074

STATE OF IDAHO

vs. JAMES M. ANDERSON

Plaintiff / Petitioner

Defendant / Respondent

Atty: LOUIS MARSHALL

Atty: ISABELLA ROBERTSON

SUBJECT OF PROCEEDINGS: MOTION FOR BOND REDUCTION OR O.R. RELEASE
CHARGE: MOTION FOR PAYMENT OF INVESTIGATIVE FUNDS

INDEX	SPEAKER	PHASE OF CASE
1:31	J	Calls Case
		Present: DEFENDANT IN CUSTODY, ISABELLA ROBERTSON, LOUIS MARSHALL
	J	MOTION FOR APPROVAL OF INVESTIGATIVE FUNDS – MS. ROBERTSON, YOU WISH TO PROCEED
	IR	WE HAVE ALREADY EXPENDED OVER \$2,000 FOR INVESTIGATIVE FUNDS – SOME PROSECUTION WITNESSES – WE MAY NEED ADDITIONAL FUNDS
	J	DO I HAVE THE AUTHORITY TO DO THIS – ISN'T THIS A COUNTY COMMISSIONERS' ISSUE
	IR	IT WAS SIGNED BY THE JUDGE IN THE BROWN CASE – I CAN'T DEplete ALL OF THE FUNDS WE HAVE IN ONE CASE
	J	WHERE WOULD THE FUNDS COME FROM THEN
	IR	FROM THE JUSTICE FUND, IT IS MY UNDERSTANDING
1:36	J	FUNDS WERE AVAILABLE IN THE BROWN CASE APPROVED BY THE COURT
	IR	YES – SIGNED BY JUDGE GIBLER AND JUDGE LUSTER – JUDGE LUSTER MAINTAINED CONTROL OF THOSE
	J	I WANT TO DO SOME INVESTIGATION ON MY OWN TO FIND OUT WHAT CAN AND CAN'T BE DONE – I WILL TAKE THIS MATTER UNDER ADVISEMENT
	IR	THANK YOU – THERE WAS MORE ON THIS CASE – A BOND REDUCTION – IT WAS RESET BY JUDGE MICHAUD
	J	GO AHEAD
	LM	THE MATTER WAS TAKEN UP AT THE ARRAIGNMENT ON FEBRUARY 17 TH – I WAS NOT PRESENT – IT CAME BEFORE THE COURT AS A STIPULATED MOTION – STATE DOES NOT HAVE AN OBJECTION TO REDUCE IT FROM \$500,000 TO \$200,000 AND FILING A WAIVER OF EXTRADITION – DIFFERENCE IN THIS CASE AND STATE vs. KEITH BROWN
	J	NO OBJECTION TO THE REDUCTION TO \$200,000 OF BOND?
	LM	NO

	J	HAVING NO OBJECTION AND HAVING NO FURTHER ACTION IN THIS MATTER, I AM GOING TO TRUST COUNSEL AND REDUCE BOND TO \$200,000 – NO LEAVING OF THE STATE WITHOUT PERMISSION, SIGN WAIVER OF EXTRADITION IN ADVANCE
	LM	HAVE NO CONTACT WITH VICTIM'S FAMILY
	IR	MY CLIENT HAS NO INTEREST BECAUSE HE IS AFRAID FOR HIS LIFE – HE WILL NOT BE AROUND THEM
1:44	J	WILL MAKE IT A CONDITION THAT THERE IS NO CONTACT WITH THE STATE'S WITNESS – PROVIDE ME WITH A STIPULATION AS TO WHO HE IS TO HAVE NO CONTACT WITH – MS. ROBERTSON, PLEASE PREPARE ORDER AFTER CONSULTING WITH MR. MARSHALL
	IR	ONE LAST ISSUE – MY CLIENT IS WILLING TO WAIVE HIS RIGHT TO SPEEDY TRIAL ON THE RECORD AND ASK THE COURT TO CONTINUE THE TRIAL TO THE JUNE SETTING – NEED SUFFICIENT TIME TO PROCESS THE EVIDENCE FROM THE LAB
	J	THE STATE'S POSITION?
	LM	THE MERIDIAN LAB IS THE ONLY LAB IN IDAHO THAT DEALS WITH THESE FORENSIC ISSUES – THEY HAVE MOVED IT TO THE TOP OF THE LIST – IT WILL BE TRANSPORTED TO COEUR D'ALENE FOR BALISTIC TESTING – I CONFIRM WITH THE DEFENSE – NO OBJECTION TO MOVE IT TO THE MONTH OF JUNE
	J	MR. ANDERSON, ARE YOU WILLING TO WAIVE YOUR RIGHT TO A SPEEDY TRIAL?
	DEF	YES SIR
	J	UNDERSTAND THAT WE CAN MOVE IT 4 MONTHS, 6 MONTHS FROM THEN?
	DEF	YES SIR
	J	ONCE YOU WAIVE YOUR RIGHT TO SPEEDY TRIAL, IT IS WAIVED FOR OTHER DATES – KNOWING THIS, YOU STILL WISH TO WAIVE YOUR RIGHT TO A SPEEDY TRIAL?
	DEF	YES
	J	DO YOU WAIVE YOUR RIGHT TO SPEEDY TRIAL?
	DEF	YES SIR
	J	THE DEFENDANT HAS KNOWINGLY WAIVED HIS RIGHT TO SPEEDY TRIAL – HAVE THE TRIAL BEGIN FOR 5 DAYS ON JUNE 8 TH AT 9:00 AM – PRETRIAL CONFERENCE ON JUNE 4 TH AT 2:00 PM
1:49	END	

☒ ADULT

☐ JUVENILE

STATE OF IDAHO
County of Bonner
FILED 3/16/09
AT 1:30 O'clock PM
CLERK, DISTRICT COURT
Deputy

JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: Verby

CASE NO. C108 - 7529

(SUBJECT'S FIRST NAME)

(SUBJECT'S MIDDLE NAME)

(SUBJECT'S LAST NAME)

☒ SUBJECT APPEARED IN COURT ON: 16 Mar. 09 AT 1:30 P.M.

☒ SUBJECT IS TO: ☐ BE OR'D
☐ BE RELEASED BY JUDGES ORDER

☒ REMAIN IN CUSTODY

☐ BE RELEASED/TIME SERVED

☒ BOND \$ 200,000

☐ BE RELEASED TO PARENT/PTA

☒ MUST SIGN WAIVER OF EXTRADITION

☐ WORK RELEASE/SEARCH GRANTE

☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

☐ SENTENCED TO: ☐ _____ DAYS IMPOSED ☐ _____ HOURS ON SHERIFF'S LABOR PROGRAM.
☐ _____ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**
☐ _____ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**
☐ _____ DAYS CREDIT _____, 20____.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: _____ AT _____ M
☐ BREATH OR U/A TEST ORDERED _____ X'S WEEKLY ON: _____ AT _____ M
☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED _____ YEAR (S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN _____ AND NOT MORE THAN _____
IN THE IDAHO STATE DEPT. OF CORRECTIONS.
☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON _____ YEARS PROBATION.
☐ SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 180 DAYS.
☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE _____ DAYS LOCAL JAIL.

CHARGES

Motion Hearing

number 1 - Bond reduced to \$500,000

JUDGE'S ORDER: SUBJECT IS TO Remain in Custody

☒ CRO Issued - submit in writing request before
leaving state. no contact with
Stets witnesses.

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

-119-

BAILIFF

WAIVER OF EXTRADITION

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

CR-08-7529

Bonner County, Idaho APR 14 P 9:11

MARIE SCOTT
CLERK DISTRICT COURT

I, **James Mathew Anderson**, do freely and voluntarily state that I am the identical person against whom criminal proceedings, charging me with the commission of a felony have been instituted in the County of **Bonner**, State of **Idaho**, and I further hereby freely, voluntarily and without promise of reward of leniency, agree, consent and elect to return to the County of **Bonner**, State of **Idaho**, without requisition papers, warrant of rendition or other form of processes, having for their purpose my return to said County and State.

THIS AGREEMENT AND WAIVER is made by me without any reference to my guilt or innocence and shall not be considered in any manner as prejudicing my case and not in any sense an admission of guilt, and further wholly exonerate and hold blameless in this matter the Sheriff of _____ County, State of _____, and all persons active under him, and agree to accompany to the State of **Idaho**, any peace officer who may be sent to take me to the State for trial.

THIS STATEMENT AND WAIVER, (made in triplicate) done at Sandpoint, Idaho, on March 16, 2009.

X James M. Anderson
Inmate Signature

Witnessed by:

X [Signature]
Deputy Danish

X [Signature]
Deputy McCollum

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 MAR 20 P 1:29

MARIE SCOTT
CLERK DISTRICT COURT
ms
DEPUTY

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)

Plaintiff,)

vs.)

JAMES M. ANDERSON,)

Defendant.)

Case No. CR-2008-7529

**MOTION AND STIPULATION TO
RELEASE EVIDENCE**

COMES NOW Louis E. Marshall, Prosecuting Attorney for Bonner County, Idaho, and moves the Court for an Order releasing the 1979 Blue Chevrolet Luv pickup truck, bearing license plate number Idaho 7B B3632, with VIN#CRN1498283103, the owner of said vehicle being Elvin Dale Holt, seized pursuant to a Search Warrant issued in the above-entitled matter, to the rightful owner.

This Motion is based upon the fact that the parties agree that the continued possession of the vehicle is not necessary for evidentiary purposes.

DATED this 20 day of March, 2009.


LOUIS E. MARSHALL
Prosecuting Attorney

So Stipulated.



ISABELLA ROBERTSON
Public Defender/Attorney for Defendant

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was delivered this 20th day of March, 2009, to the following addresses indicated below:

Bonner County Sheriff's Office

Evidence Technician
Courthouse mailbox
Sandpoint, ID



Legal Assistant

2009 MAR 23 P 2:37

MARIE SCOTT
CLERK DISTRICT COURT
cm

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,
[REDACTED]

Defendant.

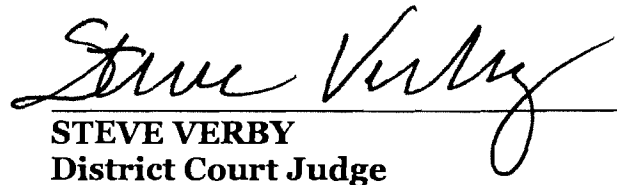
Case No. **CR-2008-7529**

ORDER RELEASING EVIDENCE

Pursuant to the Motion filed by Louis E. Marshall, Prosecuting Attorney for Bonner County, Idaho, and the stipulation of Isabella Robertson, Public Defender, Attorney for Defendant, and good cause appearing, now, therefore,

IT IS HEREBY ORDERED that the 1979 Blue Chevrolet Luv pickup truck, bearing license plate number Idaho 7B B3632, with VIN#CRN1498283103, the owner of said vehicle being Elvin Dale Holt, seized with reference to the above matter pursuant to a Search Warrant be released to the rightful owner.

DATED this 23rd day of March, 2009.


STEVE VERBY
District Court Judge

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was delivered this 23rd day of March, 2009, to the following addresses indicated below:

Louis E. Marshall

Prosecuting Attorney
Courthouse mailbox
Sandpoint, ID

Isabella Robertson

Public Defender
Courthouse mailbox
Sandpoint, ID

Bonner County Sheriff's Office

Attn: Evidence Technician

Cherie Moore
Deputy Clerk

2009 MAR 23 P 2:37

WANE SCOTT
CLERK DISTRICT COURT

Cm
JURY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.


Case No. CR 2008-0007529

**ORDER GRANTING DEFENDANT'S
MOTION FOR INVESTIGATIVE SERVICES**

The above entitled matter came before the court pursuant to a request by the public defenders' office for a request for payment by Bonner County of approximately \$2,000 in additional investigative services in order for defense counsel to prepare for trial in this case.

Taking into consideration the fact that the defendant, James M. Anderson, is charged with Second Degree Murder, and also considering the limited resources of the public defenders' office as well as the need for such investigation in this serious offense, the court grants the defense motion and orders that payments for costs of up to \$2,000 for investigative services shall be paid from the district court's budget upon presentment.

DATED this 23rd day of March, 2009.


Steve Verby
District Judge

**ORDER GRANTING DEFENDANT'S MOTION
FOR INVESTIGATIVE SERVICES**

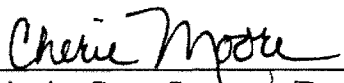
- 1 -

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid or by interoffice mail, this 23rd day of March, 2009, to:

Isabella Robertson
Bonner County Public Defender
Courthouse Mail
Sandpoint, ID 83864

Louis Marshall
Bonner County Prosecuting Attorney
Courthouse Mail
Sandpoint, ID 83864



District Court Secretary/Deputy Clerk

cc: Linda

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

2009 MAR 23 P 1: 50

Defendant Disposition:

James Mathew Anderson

468000 HWY 95 #60; POB 32 Sagle, ID 83860

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

Witness Disposition: PER Personal Service

Patrick Keith Eroso Ziarnick

155 Gold Creek Rd Sandpoint, ID 83864

Served on: 16th day of March, 2009 by Peasha, J

Served to: Pat Ziarnick ()
Bonner Co Jail Sandpoint, ID 83864

Plaintiff Disposition:

State of Idaho

Process Number: C09-00506

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of March, 2009.

Dated the 16th day of March, 2009

Fees:

Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

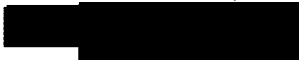
BY: *Karla Moore*
Authorized Representative
Civil Division


Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2008-7529
vs.)	
	)	SUBPOENA
JAMES M. ANDERSON,	)	Incident No. 08-019839
)	
)	
Defendant.)	

THE STATE OF IDAHO TO:	PATRICK ZIARNICK
	155 Gold Creek Road, Sandpoint, ID
PHONE: 208-304-0213	DOB: 

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: **May 11, 12, 13, 14 & 15, 2009**
TIME: **9:00 a.m.**
5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 3rd day of March, 2009.

PROSECUTOR'S OFFICE by: **LOUIS E. MARSHALL**
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

March 3, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 MAR 23 P 1:51

MARK SCOTT
CLERK DISTRICT COURT

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

Witness Disposition: RCL Recalled
Ian James Freir
72 Reveille Ln Sandpoint, ID 83864
UNSERVED

Plaintiff Disposition:
State of Idaho

Process Number: C09-00510

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of March, 2009.

Dated the 17th day of March, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO

BY: Lana Moore
Authorized Representative
Civil Division

Comments
recalled per Lana

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

IAN FREIR

312 Cocolalla, Sandpoint, ID/POB 271, Ponderay, ID

PHONE: 208-304-2271

DOB:

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: May 11, 12, 13, 14 & 15, 2009

TIME: 9:00 a.m.

5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 3rd day of March, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

March 3, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 MAR 23 P 1:50

MARK SCOTT
CLERK DISTRICT COURT

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860
Witness Disposition: RCL Recalled
Aubrey Rose Rounsville
468810 Hwy 95; Travel Ame Sagle, ID 83860
UNSERVED

Plaintiff Disposition:
State of Idaho

Process Number: C09-00505

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of March, 2009.

Dated the 17th day of March, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO

BY: Lana Moore
Authorized Representative
Civil Division

Comments
recalled per Lana

FILED 2009 MAR 10 10:06

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

AUBREY ROUNSVILLE

568800 Hwy.95 S., Sp.#58, Sagle, ID

PHONE: 208-610-8843

08-07-1979

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: May 11, 12, 13, 14 & 15, 2009

TIME: 9:00 a.m.

5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 3rd day of March, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

March 3, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2009 MAR 23 P 1:51

MARK SCOTT
CLERK DISTRICT COURT

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

Witness Disposition: PER Personal Service
Tara Nichole Higgins
468800 Hwy 95; #1 Sagle, ID 83860
Served on: 16th day of March, 2009 by Peasha, J
Served to: Tara Higgins ()
468800 Hwy 95; #1 Sagle, ID 83860

Plaintiff Disposition:
State of Idaho

Process Number: C09-00508

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of March, 2009.

Dated the 18th day of March, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO

BY: Sharon Kelly
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

TARA HIGGINS

468800 Hwy. 95 S., Sp.#1, Sagle, ID

PHONE: 208-265-5485

DOB:

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: May 11, 12, 13, 14 & 15, 2009

TIME: 9:00 a.m.

5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 3rd day of March, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

March 3, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT
2009 MAR 23 P 1:51
SCOTT
DISTRICT COURT

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

Witness Disposition: PER Personal Service
Manuel Padilla
468800 Hwy 95 #49 Sagle, ID 83860
Served on: 16th day of March, 2009 by Peasha, J
Served to: Manuel Padilla
468800 Hwy 95 #49 Sagle, ID 83860 ()

Plaintiff Disposition:
State of Idaho

Process Number: C09-00509

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of March, 2009.

Dated the 18th day of March, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO
BY: Shanda Perry
Authorized Representative
Civil Division


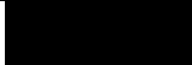
Comments


APR 4 2009 AM 10:06

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2008-7529
vs.)	
	)	SUBPOENA
JAMES M. ANDERSON,	)	Incident No. 08-019839
 )	
)	
Defendant.)	

THE STATE OF IDAHO TO: **MANUEL PADILLA**
468800 Hwy. 95 S., Sp.#49, Sagle, ID
PHONE: 208-255-2105 **DOB: **

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: May 11, 12, 13, 14 & 15, 2009
TIME: 9:00 a.m.
5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 3rd day of March, 2009.

PROSECUTOR'S OFFICE by: **LOUIS E. MARSHALL**
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

March 3, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT
MAR 23 P 1:51
KATE SCOTT
CLERK DISTRICT COURT

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

Witness Disposition: PER Personal Service
Tricia L Dickens MD
1449 Selle Rd Sandpoint, ID 83864
Served on: 16th day of March, 2009 by Peasha, J
Served to: Tricia Dickens ()
Bonner General Hospital Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-00507

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of March, 2009.

Dated the 18th day of March, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO
BY: Shanna Kelley
Authorized Representative
Civil Division

Comments

APR 4 2009 AM 10:05

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

DR. TRICIA L. DICKENS, M.D.

Bonner General Immediate Care

PHONE: w-263-0649

10-23-1969

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: May 11, 12, 13, 14 & 15, 2009

TIME: 9:00 a.m.

5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 3rd day of March, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

March 3, 2009-lmb

STATE OF IDAHO
COUNTY OF BONNER
JUDICIAL DISTRICT
State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer
Sandpoint, ID 83864
MAR 23 P 1:51
MARK SCOTT
CLERK DISTRICT COURT

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

Witness Disposition: PER Personal Service
Chi L Ziarnick
920 Ruth St Sandpoint, ID 83864
Served on: 16th day of March, 2009 by Peasha, J
Served to: Chi Ziarnick ()
122 Emerald Industrial Pa Ponderay, ID 83852

Plaintiff Disposition:
State of Idaho

Process Number: C09-00504

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of March, 2009.

Dated the 18th day of March, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00



Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO
BY: Mark Scott
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2008-7529
vs.)	
	)	SUBPOENA
JAMES M. ANDERSON,	)	Incident No. 08-019839
 )	
)	
Defendant.)	

THE STATE OF IDAHO TO: **CHI ZIARNICK**
920 Ruth Street, Sandpoint, ID
PHONE: 208-597-4415 **DOB** 

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: May 11, 12, 13, 14 & 15, 2009
TIME: 9:00 a.m.
5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 3rd day of March, 2009.

PROSECUTOR'S OFFICE by: **LOUIS E. MARSHALL**
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

March 3, 2009-lmb

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2009 MAR 25 A 8:31

MARIE SCOTT
CLERK DISTRICT COURT
ms
DEPUTY

STATE OF IDAHO,
Plaintiff.

vs.

James M Anderson
468000 Hwy 95
Sagle, ID 83860

Defendant.

DL or SSN:

Case No: CR-2008-0007529

**AMENDED
NOTICE OF TRIAL**

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby reset for:

**Pretrial Conference
Judge:**

**Thursday, July 09, 2009 @ 02:00 PM
Steve Verby**

**Five-Day Jury Trial
Judge:**

**Monday, July 13, 2009 @ 09:00 AM
Steve Verby**

Alternate Presiding Judges: Charles W. Hosack, John P. Luster,
Fred M. Gibler, George Reinhardt, III, James R. Michaud, John H.
Bradbury, Lansing Haynes

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, March 25, 2009:

James M Anderson

Mailed _____ Hand Delivered _____

Counsel:
Isabella Robertson
Bonner County Public Defender

**COURT
MAIL** ☒ Hand Delivered _____

Louis E Marshall
Bonner County Prosecutor

**COURT
MAIL** ☒ Hand Delivered _____

Dated: Wednesday, March 25, 2009

Marie Scott
Clerk of the District Court

By: *Cherie Moore*
Deputy Clerk

cc: Jury Commissioner
Bailiff
Cherie

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 APR 20 P 1: 52

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

MINNE SCOTT
CLERK OF DISTRICT COURT

Witness Disposition: PER Personal Service
Tricia L Dickens MD
1449 Selle Rd Sandpoint, ID 83864
Served on: 14th day of April, 2009 by Peasha, J
Served to: Tricia Dickens ()
Bonner General Hospital Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-00687

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of April, 2009.

Dated the 15th day of April, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: *Peasha Moore*
Authorized Representative
Civil Division

Comments
slp

APR 13 2009 PM 1:22

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

DR. TRICIA L. DICKENS, M.D.
Bonner General Immediate Care

PHONE: w-263-0649

10-23-1969

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: July 13, 14, 15, 16 & 17, 2009
TIME: 9:00 a.m.
5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th day of April, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

April 10, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 APR 20 P 1:52

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

LESLIE SCOTT
JUDICIAL CLERK

Witness Disposition: PER Personal Service
Manuel Padilla
468800 Hwy 95 #49 Sagle, ID 83860
Served on: 15th day of April, 2009 by Peasha, J
Served to: Manual Padilla ()
468800 Hwy 95 #49 Sagle, ID 83860

Plaintiff Disposition:
State of Idaho

Process Number: C09-00690

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of April, 2009.

Dated the 15th day of April, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: Peasha Moore
Authorized Representative
Civil Division

Comments

CR 13 2008 PM 1:21

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

MANUEL PADILLA

468800 Hwy. 95 S., Sp.#49, Sagle, ID

PHONE: 208-255-2105

01-26-1960

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: July 13, 14, 15, 16 & 17, 2009

TIME: 9:00 a.m.

5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th day of April, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

April 10, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 APR 20 P 1: 52

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

MARIE SCOTT
CLERK DISTRICT COURT
SANDPOINT

Witness Disposition: PER Personal Service
Aubrey Rose Rounsville
608 Church St Sandpoint, ID 83864
Served on: 15th day of April, 2009 by Peasha, J
Served to: Aubrey Rounsville ()
Valley Vista Care Center Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-00693

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of April, 2009.

Dated the 15th day of April, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: *Peasha Moore*
Authorized Representative
Civil Division

Comments

6/13/2009 PM 1:21

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

[REDACTED]

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

AUBREY ROUNSVILLE

568800 Hwy.95 S., Sp.#58, Sagle, ID

PHONE: 208-610-8843

DOB [REDACTED]

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: July 13, 14, 15, 16 & 17, 2009

TIME: 9:00 a.m.

5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th of April, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

April 10, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 APR 20 P 1: 52

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

DAVID SCOTT
CLERK DISTRICT COURT

Witness Disposition: PER Personal Service
Ian James Freir
359 Bronx RD #6 Sandpoint, ID 83864
Served on: 15th day of April, 2009 by Moore, D
Served to: Ian Frier ()
Sheriff's Office Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-00691

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of April, 2009.

Dated the 15th day of April, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO

BY: [Signature]
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

PHONE: 208-304-2271

IAN FREIR

312 Cocolalla, Sandpoint, ID/POB 271, Ponderay, ID

DOB:

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: July 13, 14, 15, 16 & 17, 2009

TIME: 9:00 a.m.

Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th day of April, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

April 10, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT JUDICIAL DISTRICT

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

2009 APR 20 P 1: 53

DAVID SCOTT
DISTRICT COURT

Witness Disposition: PER Personal-Service
Chi L Ziarnick
1118 Main St Sandpoint, ID 83864
Served on: 14th day of April, 2009 by Peasha, J
Served to: Chi Ziarnick ()
1118 Main St Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-00692

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of April, 2009.

Dated the 15th day of April, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: Peasha Moore
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

CHI ZIARNICK

920 Ruth Street, Sandpoint, ID

PHONE: 208-597-4415

07-24-1975

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: July 13, 14, 15, 16 & 17, 2009

TIME: 9:00 a.m.

5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th day of April, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

April 10, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 APR 20 P 1:53

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

DAVID SCOTT
CLERK DISTRICT COURT
STRIPPY

Witness Disposition: PER Personal Service
Patrick Keith Eroso Ziarnick
1118 Main St Sandpoint, ID 83864
Served on: 14th day of April, 2009 by Peasha, J
Served to: Pat Ziarnick ()
1118 Main St Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-00689

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of April, 2009.

Dated the 15th day of April, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: Peasha Moore
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

PATRICK ZIARNICK

155 Gold Creek Road, Sandpoint, ID

PHONE: 208-304-0213

03-13-1979

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: July 13, 14, 15, 16 & 17, 2009

TIME: 9:00 a.m.

Preliminary Hearing

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th day of April, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

April 10, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
JUDICIAL DISTRICT

2009 APR 21 A 9:44

Defendant Disposition:
James Mathew Anderson
468000 HWY 95 #60; POB 32 Sagle, ID 83860

JAMES SCOTT
JUDICIAL COURT

Witness Disposition: PER Personal Service
Tara Nichole Higgins
468800 Hwy 95; #1 Sagle, ID 83860
Served on: 17th day of April, 2009 by Peasha, J
Served to: Tara Higgins ()
Main ST & 4th Kootenai, ID 83840

Plaintiff Disposition:
State of Idaho

Process Number: C09-00688

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 13th day of April, 2009.

Dated the 20th day of April, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: *[Signature]*
Authorized Representative
Civil Division

Comments

03/13/2009 PM 1:21

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2008-7529
vs.)	
	)	SUBPOENA
JAMES M. ANDERSON,	)	Incident No. 08-019839
██████ 01-01-1980)	
)	
Defendant.)	

THE STATE OF IDAHO TO:	TARA HIGGINS
	468800 Hwy. 95 S., Sp.#1, Sagle, ID
PHONE: 208-265-5485	██████ 03-09-1980

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: **July 13, 14, 15, 16 & 17, 2009**
TIME: **9:00 a.m.**
5-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 10th day of April, 2009.

PROSECUTOR'S OFFICE by: **LOUIS E. MARSHALL**
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

April 10, 2009-lmb

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT 1
2009 APR 29 A 9:47
2009 APR 23 P 4:02
SCOTT
COURT

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

IN THE MATTER OF THE APPLICATION)
)
)
FOR A WARRANT OF DETENTION OF:)
)
)
JAMES M. ANDERSON,)
)
)
SSN: [REDACTED])
)

**WARRANT OF DETENTION
TO OBTAIN EVIDENCE**

Case No. CR-08-7529

THE STATE OF IDAHO:

**TO ANY SHERIFF, CONSTABLE, MARSHAL OR POLICEMAN
IN THE COUNTY OF BONNER:**

Proof by Affidavit or sworn testimony, having been laid before me by

Louis E. Marshall

showing that:

- A.) Probable cause exists to believe that a Felony, to-wit: **Second Degree Murder** committed in Bonner County, Idaho;
- B.) There are reasonable grounds to believe that **James M. Anderson** committed the above-described offense;

C.) Procurement of evidence of identifying physical characteristics of **James M.**

Anderson may contribute to the manner in which the above-described offense was allegedly committed.

D.) The investigating officer cannot otherwise obtain such evidence.

THEREFORE, YOU ARE HEREBY COMMANDED to detain the above-named or described individual for the purpose of procuring evidence of identifying physical characteristics, to-wit:

- () *Fingerprints*
- () *Palm Prints*
- () *Footprints*
- (X) *Measurements*
- () *Handwriting*
- () *Hand printing*
- () *Sound of voice*
- () *Blood Samples*
- () *Urine Samples*
- () *Saliva Samples*
- () *Hair Samples*
- () *Comparative personal appearance*
- () *Photographs of individual*
- () *Other:* _____

and that **James M. Anderson** is commanded to provide the above-named evidence of identifying physical characteristics.

The relevance of the obtaining of said evidence to this particular investigation has been shown to the Court's satisfaction by way of the Affidavit or sworn testimony. The place at which this evidence shall be taken is Bonner County Jail.

Said detention shall be for no longer than Three (3) hours. This Order is made pursuant to Idaho Code §19-625 and shall expire Ten (10) days from the date of issuance.

WARRANT OF DETENTION TO OBTAIN EVIDENCE - 2.

You, **James M. Anderson**, the individual above identified or described, shall have the right to legal counsel during the detention when such evidence is obtained and if you are unable to afford private counsel, an attorney shall be provided at public expense as provided by Idaho Code §19-852.

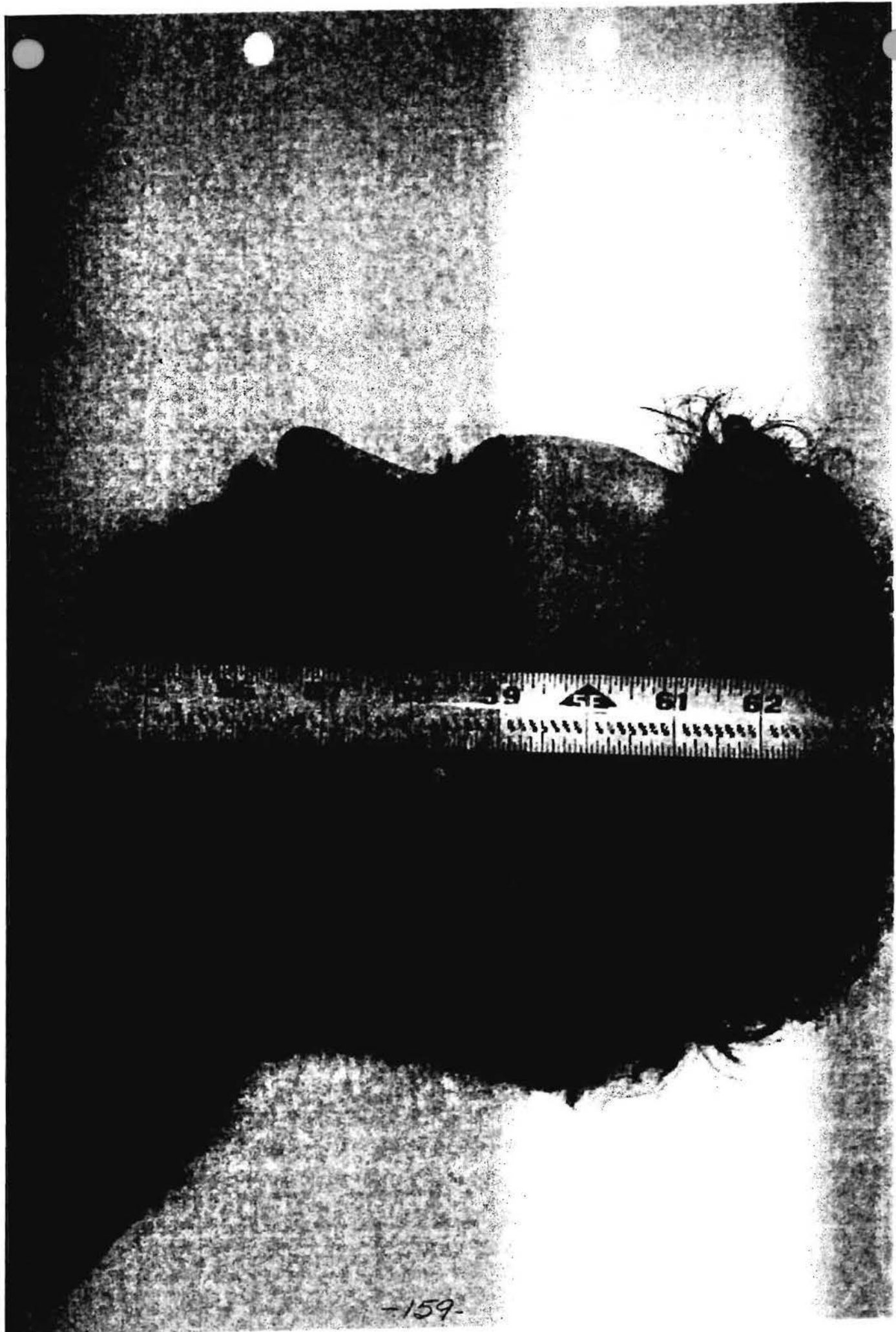
You, **James M. Anderson**, are under no legal obligation to submit to any interrogation or to make any statement during the period of your appearance, unless sound of voice identification is required.

Return is to be made to the above-entitled Court within Fifteen (15) days from the date hereof.

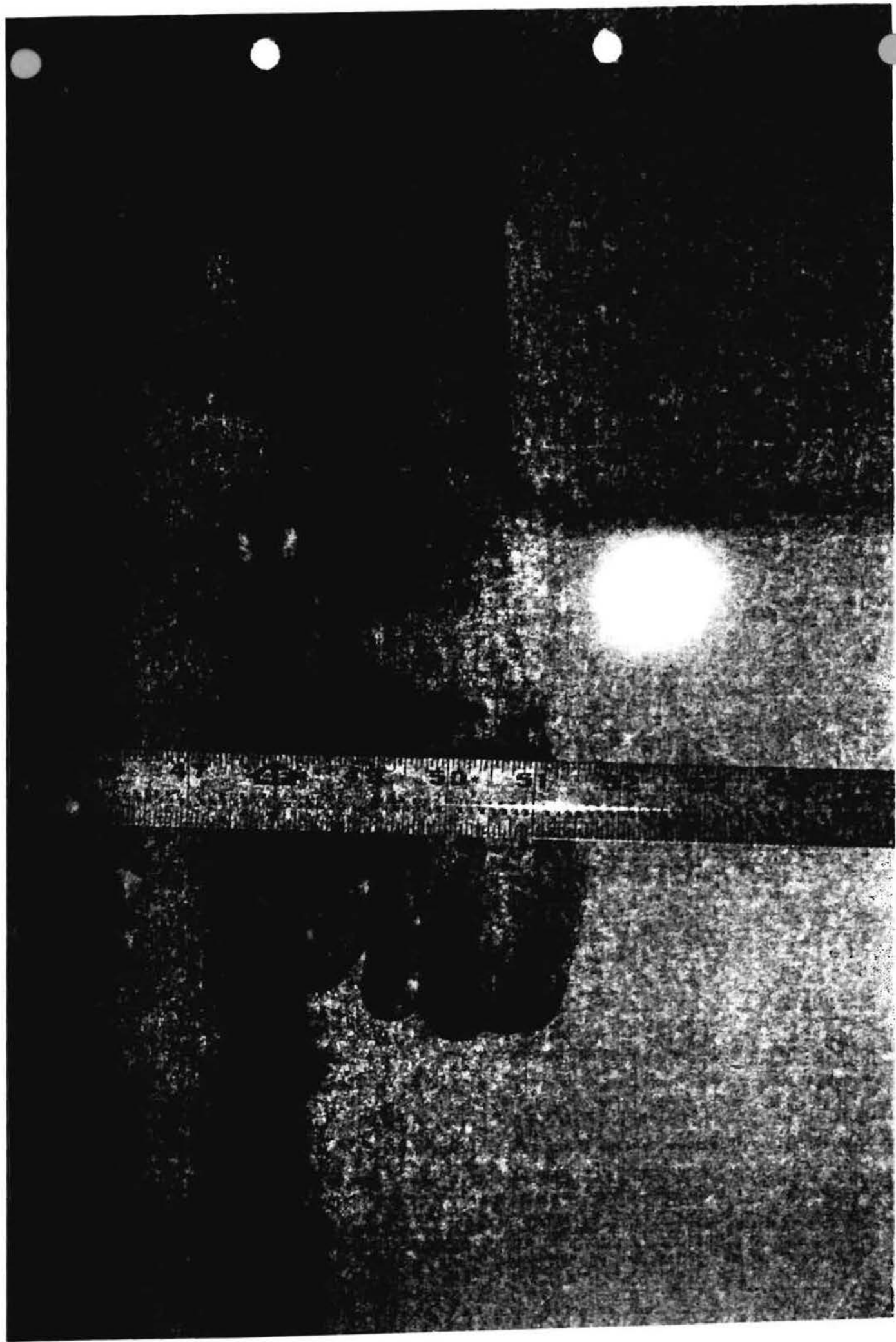
GIVEN UNDER MY HAND and dated this 23rd day of April, 2009.

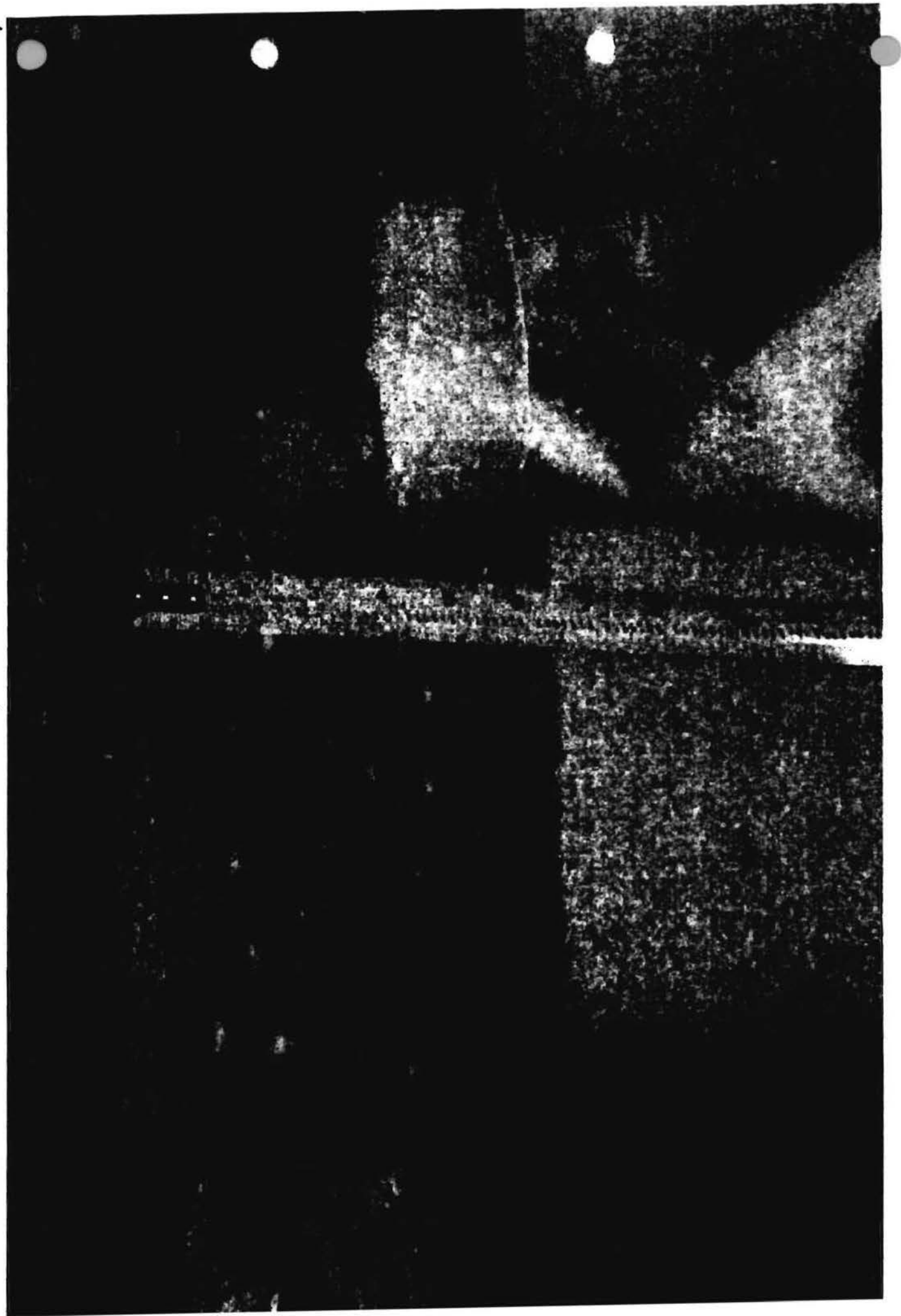


MAGISTRATE OF THE DISTRICT COURT









Bonner County Public Defender
 Isabella Robertson ISBN: (6068)
 406 S. Ella Street
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2009 JUN -4 A 8:25

MARIE SCOTT
 CLERK DISTRICT COURT
cm
 DEPUTY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

MOTION FOR CHANGE OF VENUE;
 NOTICE OF HEARING

DATE: JUNE 16, 2009

TIME: 3:00 P.M.

COMES NOW the above-named Defendant, James M. Anderson, by and through his attorney, Isabella Robertson, Bonner County Public Defender, and pursuant to I.C.R. 21 and I.C. § 19-1801, respectfully moves the Court for its Order transferring venue of this case to another county on the basis that, due to pretrial publicity, a fair and impartial trial cannot be had in Bonner County.

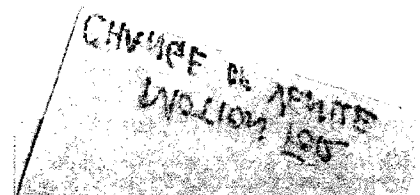
PLEASE TAKE NOTICE that the foregoing motion will be called on for hearing on the **16th day of June, 2009, at the hour of 3:00 p.m.**, or as soon thereafter as the matter may be heard before the Honorable Steve Verby, District Judge, at the Bonner County Courthouse.

DATED this 3 day of June, 2009.

OFFICE OF THE BONNER COUNTY
 PUBLIC DEFENDER

BY: *Isabella Robertson*

ISABELLA ROBERTSON
 PUBLIC DEFENDER



CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or by facsimile on the 3rd day of June, 2009, addressed to:

Louis Marshall
Bonner County Prosecuting Attorney
Fax: (208) 263-6726.

Clare Walpole

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 JUN 10 P 2:53

MARIE SCOTT
CLERK DISTRICT COURT
DP
DEPUTY

BONNER COUNTY PROSECUTING ATTORNEY

Louis E. Marshall (ISBN 6441)

127 South First Avenue

Sandpoint, ID 83864

(208) 263-6714

(208) 263-6726 Fax

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

1-1-1980

Defendant.


Case No. **CR-2008-7529**

**STIPULATED MOTION TO VACATE,
CONTINUE AND RESET DEFENDANT'S
MOTION TO CHANGE VENUE**

COMES NOW Louis E. Marshall, Bonner County Prosecuting Attorney, and Isabella Robertson, Bonner County Public Defender, and hereby stipulate to vacate, continue and reset Defendant's Motion to Change Venue presently set for the 16th day of June, 2009, to occur at the same time Defendant's Motion to Appoint Conflict Attorney. Said Motion is presently scheduled to occur before the Hon. Steve Verby at the Bonner County Courthouse on July 6, 2009, at 2:30 o'clock p.m.

This Motion is made due to the fact that Counsel for Plaintiff will be out-of-state on the 16th of June, 2009.

DATED this 10 day of June, 2009.



LOUIS E. MARSHALL
Prosecuting Attorney



ISABELLA ROBERTSON
Attorney for Defendant

STATE OF IDAHO
County of Bonner
FILED 6/12/09
AT 4:55 O'CLOCK P M
CLERK DISTRICT COURT
DEPUTY cm

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. CR-2008-7529

ORDER FOR SPECIAL JUROR
QUESTIONNAIRE

The Court having before it a stipulated Motion to use a special jury questionnaire and good cause showing, now, therefore,

IT IS HEREBY ORDERED that the Special Jury Questionnaire stipulated to by Counsel shall be mailed to the perspective jury panel in the above-entitled matter.

DATED this 12th day of June, 2009.


STEVE VERBY
District Court Judge

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was delivered this 15th day of June, 2009, to the following addresses indicated below:

Louis E. Marshall

Prosecuting Attorney
Courthouse mailbox
Sandpoint, ID

Isabella Robertson

Public Defender
Courthouse mailbox
Sandpoint, ID

Cherie Moore
Deputy Clerk

cc: Jury Commissioner

STATE OF IDAHO
County of Bonner
FILED 6/12/09
AT 4:55 O'CLOCK P M
CLERK CM DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
JAMES M. ANDERSON,)
1-1-1980)
)
Defendant.)

Case No. CR-2008-7529

**ORDER VACATING, CONTINUING AND
RESETTING MOTION TO CHANGE VENUE**

A stipulated Motion to vacate, continue and reset Defendant's Motion to change venue before the Court and good cause showing, now, therefore,

IT IS HEREBY ORDERED that Defendant's Motion to change venue shall be vacated, continue and reset to occur contemporaneously with Defendant's Motion to appoint conflict counsel presently set for July 6, 2009, at 2:30 o'clock p.m. at the Bonner County Courthouse.

DATED this 12th day of June, 2009.



STEVE VERBY
District Court Judge

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was ^{faxed} delivered this 15th day of June, 2009, to:

Louis E. Marshall
Prosecuting Attorney
Courthouse mailbox
Sandpoint, ID

Isabella Robertson
Public Defender
Courthouse mailbox
Sandpoint, ID


Deputy Clerk

BONNER COUNTY PUBLIC DEFENDER
 Isabella Robertson (I.S.B.N. 6068)
 406 South Ella Street
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 County of Bonner } ss
 FILED 6/18/09
 AT 4:09 O'CLOCK P.M.
 CLERK cm DISTRICT COURT
 DEPUTY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

**STIPULATED MOTION TO CONTINUE
 PRETRIAL CONFERENCE AND JURY
 TRIAL**


COME NOW the parties, Defendant, James M. Anderson, by and through his attorney, Isabella Robertson, Bonner County Public Defender, and the State of Idaho by and through Louis Marshall, Bonner County Prosecuting Attorney, and respectfully move the Court for its Order to continue the pretrial conference and jury trial scheduled in this case on July 9, 2009, at 2:00 p.m., and July 13, 2009, at 9:00 a.m., respectively, to dates in September 2009, or to such other dates as the Court may determine.

The foregoing motion is made on the basis that on June 11, 2009, the Defendant's attorney was served with discovery which will require extensive defense investigation and thereafter preparation for trial as to that discovery. The parties further request that the matter be

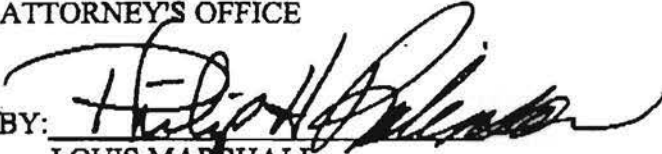
set on the trial calendar for September as the Prosecuting Attorney will be out of the area during a portion of August for the Idaho Prosecuting Attorneys Association summer conference.

DATED this 17th day of June, 2009.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: 
ISABELLA ROBERTSON
PUBLIC DEFENDER

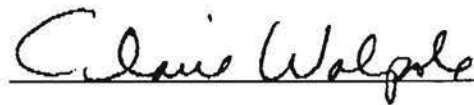
BONNER COUNTY PROSECUTING
ATTORNEY'S OFFICE

BY: 
LOUIS MARSHALL
PROSECUTING ATTORNEY

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by facsimile on the 17th day of June, 2009, addressed to:

Louis Marshall
Prosecuting Attorney
Fax: 263-6726.



BONNER COUNTY PUBLIC DEFENDER
 Isabella Robertson (I.S.B.N. 6068)
 406 South Ella Street
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2009 JUN 25 A 10:48

MARIE SCOTT
 CLERK DISTRICT COURT
 DEPUTY ^{cm}

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

ORDER TO VACATE AND CONTINUE
 PRETRIAL CONFERENCE AND JURY
 TRIAL

The Court having before it the Stipulated Motion to Continue Pretrial Conference and Jury Trial on file in this case, and good cause appearing; now, therefore,

IT IS HEREBY ORDERED that the pretrial conference scheduled in this matter on July 9, 2009, at 2:00 p.m., be and hereby is vacated and continued, to be rescheduled on the 8th day of October, 2009, at 2:00 P.M. and the trial rescheduled on the 13th day of October, 2009, at 9:00 A.M.

DATED this 25th day of June, 2009.


 DISTRICT JUDGE

CLERK'S CERTIFICATE

I hereby certify that true and correct copies of the foregoing were personally served by placing copies of the same in the interoffice mailbox or by facsimile on the 25th day of June, 2009, addressed to:

Isabella Robertson
Bonner County Public Defender
Fax: 255-7889

Louis Marshall
Bonner County Prosecuting Attorney
Fax: 263-6726.


Deputy Clerk

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

STATE OF IDAHO,
Plaintiff.

vs.

James Matthew Anderson
468000 Hwy 95
Sagle, ID 83860

Defendant.

DL or SSN:

2009 JUN 25 P 1:24

MARIE SCOTT
CLERK DISTRICT COURT
cm
DEPUTY

Case No: CR-2008-0007529

AMENDED
NOTICE OF TRIAL

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby reset for:

Pretrial Conference
Judge:

Thursday, October 08, 2009 @ 02:00 PM
Steve Verby

Eight-Day Jury Trial
Judge:

Tuesday, October 13, 2009 @ 09:00 AM
Steve Verby

Alternate Presiding Judges: Charles W. Hosack, John P. Luster,
Fred M. Gibler, George Reinhardt, III, James R. Michaud, John H.
Bradbury, Lansing Haynes

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Thursday, June 25, 2009:

James Matthew Anderson

Mailed _____ Hand Delivered _____

Counsel:
Isabella Robertson
Bonner County Public Defender

COURT
MAILED ☒ Hand Delivered _____

Louis E Marshall
Bonner County Prosecutor

COURT
MAILED ☒ Hand Delivered _____

Dated: Thursday, June 25, 2009
Marie Scott
Clerk of the District Court

By:

Cherie Moore
Deputy Clerk

cc: Jury Commissioner
Bailiff
Cherie
Lynne

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

COURT MINUTES

JUDGE: STEVE VERBY
REPORTER: VAL LARSON
CLERK: CHERIE MOORE
DIVISION: DISTRICT

CASE NO. CR-2008-0007529
DATE: 07/06/2009 TIME: 2:30 PM
CD: 09-172

STATE OF IDAHO

vs. JAMES MATTHEW ANDERSON

Plaintiff / Petitioner

Defendant / Respondent

Attorney: LOUIS MARSHALL

Attorney: ISABELLA ROBERTSON

**SUBJECT OF PROCEEDINGS: MOTION FOR CHANGE OF VENUE
MOTION TO APPOINT CONFLICT ATTORNEY**

INDEX	SPEAKER	PHASE OF CASE
2:37	J	Calls Case
		Present: DEFENDANT IN CUSTODY, ISABELLA ROBERTSON, LOUIS MARSHALL
	J	THANK YOU FOR YOUR PATIENCE, I WAS LOOKING AT ADDITIONAL ISSUES – SET FOR 2 MOTIONS – MOTION FOR CHANGE OF VENUE AND MOTION FOR APPOINTMENT OF CONFLICT ATTORNEY
	IR	I RECEIVED THE EVALUATION ON MY CLIENT'S MISDEMEANOR BATTERY WHICH IS A MAJOR PART OF CHANGE OF VENUE HEARING – MR. MARSHALL WOULD NOT OBJECT TO A RESETTING OF THIS FOR HALF AN HOUR
	J	WILL RESET THE CHANGE OF VENUE HEARING ON AUGUST 3RD AT 1:30 PM
	J	NEXT MATTER IS MR. ANDERSON'S MOTION TO APPOINT CONFLICT ATTORNEY – BEFORE THAT, WANT TO ADDRESS COUNSEL AS TO WHAT WE'RE GOING TO LISTEN TO – THE IDAHO CONSTITUTION GUARANTEES THE RIGHT TO LEGAL COUNSEL WHICH INCLUDES THE RIGHT TO COURT APPOINTED COUNSEL – RIGHT TO LEGAL COUNSEL DOES NOT NECESSARILY MEAN A RIGHT OF ONE'S CHOICE – [CITES CODE] AN ACCUSED HAS THE RIGHT TO WAIVE COURT APPOINTED COUNSEL AND CONDUCT HIS OWN DEFENSE – [CITES <i>State v. Peck</i>] WHICH SETS FORTH STANDARDS OF ISSUE IN THIS REGARD – MR. ANDERSON, I WILL AFFORD YOU THE OPPORTUNITY TO STATE REASONS FOR THE MOTION – IN THIS CASE, I AM GOING TO ASK YOU SPECIFICALLY TO MAKE ANY STATEMENTS YOU DESIRE IN SUPPORT OF YOUR MOTION
	DEF	I SPOKE WITH MS. ROBERTSON ON THE 17 TH OF LAST MONTH AFTER I FILED A MOTION AND WE RECONCILED OUR DIFFERENCES – I FELT SATISFIED THAT WE COULD CONTINUE WITH MS. ROBERTSON AS COUNSEL – SHE ASSURED ME THAT SHE IS CAPABLE AND WILLING TO CONTINUE REPRESENTING ME
	J	AT THIS TIME, YOU WISH TO HAVE MS. ROBERTSON CONTINUE AS YOUR LEGAL COUNSEL AND NOT HAVE ME TO DECIDE THE MOTION?
	DEF	YES
	J	ANYTHING FURTHER?

	IR/LM	NO
	J	REMAND YOU TO THE CUSTODY OF THE BONNER COUNTY SHERIFF'S OFFICE AT THIS TIME
2:48	END	

☒ ADULT

☐ JUVENILE

STATE OF IDAHO
County of Bonner
FILED 7/10/09
AT 2:30 O'Clock P.M.
CLERK, DISTRICT COURT
Deputy

JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: VERBY

CASE NO. CR 08 - 7529

JAMES
(SUBJECT'S FIRST NAME)

MATTHEW
(SUBJECT'S MIDDLE NAME)

ANDERSON
(SUBJECT'S LAST NAME)

- ☐ BY VIDEO
☒ SUBJECT APPEARED IN COURT ON: MON July 6, '09 AT 1430 P.M.
☒ SUBJECT IS TO: ☐ BE OR'D ☒ REMAIN IN CUSTODY
☐ BE RELEASED BY JUDGES ORDER
☐ BE RELEASED/TIME SERVED ☐ BOND \$
☐ BE RELEASED TO PARENT/PTA
☐ MUST SIGN WAIVER OF EXTRADITION ☐ WORK RELEASE/SEARCH GRANTE
☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

- ☐ SENTENCED TO: ☐ DAYS IMPOSED ☐ HOURS ON SHERIFF'S LABOR PROGRAM.
☐ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**
☐ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**
☐ DAYS CREDIT _____, 20____.

- ☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: _____ AT _____ M
☐ BREATH OR U/A TEST ORDERED _____ X'S WEEKLY ON: _____ AT _____ M
☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED _____ YEAR(S).

- ☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN _____ AND NOT MORE THAN _____
IN THE IDAHO STATE DEPT. OF CORRECTIONS.
☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON _____ YEARS PROBATION.
☐ SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 180 DAYS.
☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE _____ DAYS LOCAL JAIL.

CHARGES Motions Hearing
(MURDER I)

MOTION - CHANGE OF VENUE - RESET TO 3 AUG @ 1130

MOTION - APPOINT CONFLICT COUNSEL - VACATED

JUDGE'S ORDER: SUBJECT IS TO REMAIN IN CUSTODY

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

BAILIFF

GS

BONNER COUNTY PUBLIC DEFENDER
 Isabella Robertson (ISBN: 6068)
 406 South Ella Street
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2009 JUL 16 P 3:43

MARIE SCOTT
 CLERK DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE

DEPUTY

STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-2008-0007529

MOTION FOR O.R. RELEASE OR
 REDUCTION OF BOND; NOTICE OF
 HEARING

DATE: JULY 20, 2009

TIME: 11:30 A.M.

COMES NOW the above-named defendant, by and through his attorney, Isabella Robertson, Bonner County Public Defender, and hereby moves the Court for its Order releasing the Defendant from the custody of the Bonner County Sheriff on his own recognizance during the pendency of this case, or reducing the Defendant's bond in this matter.

This motion is made pursuant to the 8th and 14th amendments of the U.S. Constitution; Article I, §§ 6 and 13 of the Idaho Constitution; and I.C.R.46.

This motion is made on the grounds that the Defendant's bond as set violates the Defendant's rights to due process and to be free from excessive bond and cruel and unusual punishment as guaranteed by the U.S. and Idaho Constitutions.

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion for O.R. Release or Reduction of Bond on for hearing on the 20th day of July, 2009, at the hour of 11:30

a.m., or as soon thereafter as counsel may be heard before the Honorable Steve Verby, District Judge.

DATED this 16th day of July, 2009.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY:

I. Robertson

ISABELLA ROBERTSON
PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the foregoing were personally served by deposit in the courthouse mailbox or by facsimile on the 16th day of July, 2009, addressed to:

Louis Marshall
Prosecuting Attorney
Fax: 263-6726

Bonner County Jail
Fax: 255-1975.

Clare Walpole

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

COURT MINUTES

JUDGE: STEVE VERBY
REPORTER: JOANN SCHALLER
CLERK: CHERIE MOORE
DIVISION: DISTRICT

CASE NO. CR-2008-0007529
DATE: 07/20/2009 TIME: 11:30 AM
CD: 09-175

STATE OF IDAHO

vs. JAMES MATTHEW ANDERSON

Plaintiff / Petitioner

Defendant / Respondent

Attorney: LOUIS MARSHALL

Attorney: ISABELLA ROBERTSON

SUBJECT OF PROCEEDINGS: MOTION FOR BOND REDUCTION OR O.R. RELEASE

INDEX	SPEAKER	PHASE OF CASE
11:30	J	Calls Case
		Present: DEFENDANT IN CUSTODY, ISABELLA ROBERTSON, LOUIS MARSHALL
	J	MS. ROBERTSON?
	IR	CLIENT HAS BEEN INCARCERATED SINCE THANKSGIVING DATE OF 2008 – BOND WAS REDUCED FROM \$400,000 TO \$200,000 – MY CLIENT'S TRIAL HAS BEEN CONTINUED UNTIL OCTOBER AND HAS WAIVED HIS RIGHT TO SPEEDY TRIAL – HE DOES HAVE A PLACE TO LIVE AND I DO HAVE THE SPECIFIC ADDRESS – HE WOULD BE LIVING WITH HIS FAMILY – WOULD BE WORKING FOR R & R CONTRACTING – HE DID HAVE SURGERY PRIOR TO BEING ARRESTED – HIS PHYSICAL THERAPY HAS BEEN STOPPED – DEFENSE WOULD ASK COURT TO CONSIDER TREATMENT RELEASE FOR PHYSICAL THERAPY
	J	MR. MARSHALL?
	LM	STATE OPPOSES ANY FURTHER BOND REDUCTION IN THIS MATTER
	J	MR. ANDERSON IS BEING HELD ON A CHARGE OF SECOND DEGREE MURDER – BOND HAS ALREADY BEEN REDUCED – I WILL NOT REDUCE THE BOND – IN THE EXERCISE OF MY DISCRETION, SERIOUSNESS OF THE CHARGE, TRIAL TO TAKE PLACE IN OCTOBER, I AM NOT GOING TO REDUCE THE BOND – WILL NOT ALLOW TREATMENT RELEASE – YOU WILL HAVE TO TAKE IT UP WITH THE JAIL
11:35	END	

☒ ADULT

☐ JUVENILE

STATE OF IDAHO }
County of Bonner } ss
FILED 7/20/09
AT 1:30 O'Clock A M
CLERK, DISTRICT COURT
Deputy cm

JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: Verby

CASE NO. CR08 - 7529

(SUBJECT'S FIRST NAME)

(SUBJECT'S MIDDLE NAME)

(SUBJECT'S LAST NAME)

☐ BY VIDEO
☒ SUBJECT APPEARED IN COURT ON: 07-20-09 AT 1130 AM

☒ SUBJECT IS TO: ☐ BE OR'D ☒ REMAIN IN CUSTODY
☐ BE RELEASED BY JUDGES ORDER
☐ BE RELEASED/TIME SERVED ☒ BOND \$200,000⁰⁰
☐ BE RELEASED TO PARENT/PTA
☐ MUST SIGN WAIVER OF EXTRADITION ☐ WORK RELEASE/SEARCH GRANTE
☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

☐ SENTENCED TO: ☐ _____ DAYS IMPOSED ☐ _____ HOURS ON SHERIFF'S LABOR PROGRAM.
☐ _____ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**
☐ _____ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**
☐ _____ DAYS CREDIT _____, 20____.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: _____ AT _____ M
☐ BREATH OR U/A TEST ORDERED _____ X'S WEEKLY ON: _____ AT _____ M
☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED _____ YEAR (S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN _____ AND NOT MORE THAN _____
IN THE IDAHO STATE DEPT. OF CORRECTIONS.
☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON _____ YEARS PROBATION.
☐ SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 180 DAYS.
☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE _____ DAYS LOCAL JAIL.

CHARGES MOTION - BOND REDUCTION
MURDER I
MOTION DENIED

JUDGE'S ORDER: SUBJECT IS TO REMAIN IN CUSTODY
BOND CONTINUED AT \$200,000.00

TRIAL IN OCTOBER, 2009.

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

- 180 -

BAILIFF

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 AUG -7 P 1:24

Defendant Disposition:
James Mathew Anderson
468000 Highway 95; #60; P Sagle, ID 83860

MARIE SCOTT
CLERK DISTRICT COURT

Witness Disposition: PER Personal Service
Aubrey Rose Rounsville
608 Church St Sandpoint, ID 83864
Served on: 3rd day of August, 2009 by Peasha, J
Served to: Aubrey Rounsville
608 Church St Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-01354

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 31st day of July, 2009.

Dated the 4th day of August, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: *Peasha Moore*
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

AUBREY ROUNSVILLE

PHONE: 208-610-8843

#68800 Hwy.95 S., Sp.#58, Sagle, ID

08-07-1979

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: October 13 thru 22, 2009

TIME: 9:00 a.m.

8-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 28th of July, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

July 28, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
1ST JUDICIAL DISTRICT

2009 AUG -7 P 1:24

MARIE SCOTT
CLERK DISTRICT COURT
DUTY

Defendant Disposition:
James Mathew Anderson
468000 Highway 95; #60; P Sagle, ID 83860

Witness Disposition: PER Personal Service
Ian James Freir
227 Reveille LN; POB 271 Sandpoint, ID 83864
Served on: 3rd day of August, 2009 by Peasha, J
Served to: Ian Freir
227 Reveille Lane Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-01352

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 31st day of July, 2009.

Dated the 4th day of August, 2009

Fees:		Daryl D Wheeler, Sheriff
Service:	0.00	Bonner County Sheriff's Office, IDAHO
Mileage:	0.00	
Other :	0.00	
Total :	0.00	

BY: *Kiana Moore*
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

IAN FREIR

312 Cocolalla, Sandpoint, ID/POB 271, Ponderay, ID

PHONE: 208-304-2271

07-07-1985

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: October 13 thru 22, 2009

TIME: 9:00 a.m.

8-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 28th day of July, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

July 28, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave
Sandpoint, ID 83864
STATE OF IDAHO
COUNTY OF BONNER
JUDICIAL DISTRICT

2009 AUG -7 P 1:24

Defendant Disposition:

James Mathew Anderson

468000 Highway 95; #60; P Sagle, ID 83860. MARIE SCOTT
CLERK DISTRICT COURT

Witness

Disposition: PER ~~Personal Service~~

Chi L Ziarnick

1118 Main St

Sandpoint, ID 83864

Served on: 3rd day of August, 2009

by Peasha, J

Served to: Chi Ziarnick

()

Cygnus Manuf

Ponderay, ID 83852

Plaintiff

Disposition:

State of Idaho

Process Number: C09-01353

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 31st day of July, 2009.

Dated the 4th day of August, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: *Peasha Moore*
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726


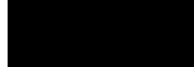
IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)

Plaintiff,)

vs.)

JAMES M. ANDERSON,)

 )

Defendant.)

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

CHI ZIARNICK

920 Ruth Street, Sandpoint, ID

PHONE: 208-597-4415

DOB: 

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: October 13 thru 22, 2009

TIME: 9:00 a.m.

8-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 28th day of July, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

July 28, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
JUDICIAL DISTRICT

2009 AUG -7 P 1:24

Defendant Disposition:
James Mathew Anderson
468000 Highway 95; #60; P Sagle, ID 83860

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

Witness Disposition: PER Personal Service
Amasa J Gee
468800 Hwy 95 Sp59 Sagle, ID 83860
Served on: 3rd day of August, 2009 by Peasha, J
Served to: Amasa Gee
Wal Mart Ponderay, ID 83852

Plaintiff Disposition:
State of Idaho

Process Number: C09-01347

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 31st day of July, 2009.

Dated the 4th day of August, 2009

Fees:
Service: 0.00
Mileage: 0.00
Other : 0.00
Total : 0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO
BY: Peasha Moore
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

AMAZA "PETE" GEE

468800 Hwy 95, #59, Sagle, ID

PHONE: 000-683-2146

06/09/1950

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: October 13 thru 22, 2009

TIME: 9:00 a.m.

8-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 28th day of July, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL

PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

July 28, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
1ST JUDICIAL DISTRICT

2009 AUG -7 P 1:24

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

Defendant Disposition:
James Mathew Anderson
468000 Highway 95; #60; P Sagle, ID 83860

Witness Disposition: PER Personal Service
Manuel Padilla
468800 Highway 95; #16 Sagle, ID 83860
Served on: 4th day of August, 2009 by Peasha, J
Served to: Manuel Padilla
468800 HWY 95 #16 Sagle, ID 83860

Plaintiff Disposition:
State of Idaho

Process Number: C09-01351

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 31st day of July, 2009.

Dated the 5th day of August, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO

BY: Kiana Moore
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

MANUEL PADILLA

468800 Hwy. 95 S., Sp.#16, Sagle, ID

PHONE: 208-610-9779

01-26-1960

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: October 13 thru 22, 2009

TIME: 9:00 a.m.

8-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 28th day of July, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

July 28, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
1ST JUDICIAL DISTRICT

2009 AUG -7 P 1:24

Defendant Disposition:
James Mathew Anderson
468000 Highway 95; #60; P Sagle, ID 83860

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

Witness Disposition: PER Personal Service
Patrick Keith Eroso Ziarnick
1118 Main St Sandpoint, ID 83864
Served on: 3rd day of August, 2009 by Peasha, J
Served to: Pat Ziarnick ()
1118 Main St Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-01350

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 31st day of July, 2009.

Dated the 4th day of August, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: Peasha Moore
Authorized Representative
Civil Division

Comments
slp

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

PHONE: 208-304-0213

PATRICK ZIARNICK

155 Gold Creek Road, Sandpoint, ID

DOB:

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: October 13 thru 22, 2009

**TIME: 9:00 a.m.
8-day Jury Trial**

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 28th day of July, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

July 28, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
JUDICIAL DISTRICT 1

2009 AUG 13 P 1:38

Defendant Disposition:
James Mathew Anderson
468000 Highway 95; #60; P Sagle, ID 83860

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

Witness Disposition: PER Personal Service
Tricia L Dickens MD
1449 Selle Rd Sandpoint, ID 83864
Served on: 5th day of August, 2009 by Peasha, J
Served to: Tricia Dickens ()
Bonner General Hospital Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-01348

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 31st day of July, 2009.

Dated the 10th day of August, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: Peasha Moore
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

DR. TRICIA L. DICKENS, M.D.

Bonner General Immediate Care

PHONE: w-263-0649

DOB:

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: October 13 thru 22, 2009

TIME: 9:00 a.m.

8-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 28th day of July, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

July 28, 2009-lmb

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 AUG 13 P 1:38

Defendant Disposition:
James Mathew Anderson
468000 Highway 95; #60; P Sagle, ID 83860

MARIE SCOTT
CLERK DISTRICT COURT
gfm
DEPUTY

Witness Disposition: PER Personal Service
Tara Nichole Higgins
468800 Hwy 95; #1 Sagle, ID 83860
Served on: 5th day of August, 2009 by Peasha, J
Served to: Tara Higgins ()
468800 Hwy 95; #1 Sagle, ID 83860

Plaintiff Disposition:
State of Idaho

Process Number: C09-01349

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 31st day of July, 2009.

Dated the 10th day of August, 2009

Fees:		
Service:	0.00	Daryl D Wheeler, Sheriff
Mileage:	0.00	Bonner County Sheriff's Office, IDAHO
Other :	0.00	
Total :	0.00	

BY: *Kiana Moore*
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

TARA HIGGINS

PHONE: 208-265-5485

468800 Hwy. 95 S., Sp.#1, Sagle, ID

DOB

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: October 13 thru 22, 2009

TIME: 9:00 a.m.

8-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 28th day of July, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. the day before you are scheduled to attend so that you can be aware of the status of the case.

July 28, 2009-lmb

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2009 SEP 15 P 3:42

MARIE SCOTT
CLERK DISTRICT COURT
cm
DEPUTY

BONNER COUNTY PROSECUTING ATTORNEY

Louis E. Marshall (ISBN 6441)

127 South First Avenue

Sandpoint, ID 83864

(208) 263-6714

(208) 263-6726 Fax

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

DOB: [REDACTED]


Defendant.

Case No. CR-2008-⁷⁵²⁹~~7914~~

**MOTION FOR SPECIAL JURY
QUESTIONNAIRE**

COMES NOW Louis E. Marshall, Prosecuting Attorney for Bonner County, Idaho, and Isabella Robertson, Bonner County Public Defender, and hereby stipulate and jointly request the Court to use the attached special jury questionnaire in the above-entitled matter.

DATED this 15th day of September, 2009.


LOUIS E. MARSHALL
Prosecuting Attorney


ISABELLA ROBERTSON
Attorney for Defendant

2009 SEP 15 P 4:06

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER Marie Scott
CLERK DISTRICT COURT
DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

**ORDER FOR SPECIAL JUROR
QUESTIONNAIRE**

The Court having before it a stipulated Motion to use a special jury questionnaire and good cause showing, now, therefore,

IT IS HEREBY ORDERED that the Special Jury Questionnaire stipulated to by Counsel shall be mailed to the perspective jury panel in the above-entitled matter.

DATED this 15th day of September, 2009.


STEVE VERBY
District Court Judge

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was delivered this 15th day of September, 2009, to the following addresses indicated below:

Louis E. Marshall

Prosecuting Attorney

~~Courthouse mailbox~~ Facsimile

Sandpoint, ID

Isabella Robertson

Public Defender

~~Courthouse mailbox~~ Facsimile

Sandpoint, ID

Cherie Moore

Deputy Clerk

BONNER COUNTY PUBLIC DEFENDER

ORIGINAL

Isabella Robertson (ISBN: 6068)

406 S. Ella Street

Sandpoint, Idaho 83864

Phone: (208) 255-7889; Fax: (208) 255-7559

SEP 17 2009 PM 3:26

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

SUBPOENA DUCES TECUM

**TO: CUSTODIAN OF RECORDS, IDAHO DEPARTMENT OF HEALTH AND
WELFARE, 207 LARKSPUR, PONDERAY, IDAHO 83852**

YOU ARE HEREBY COMMANDED that laying aside all excuses, you appear in the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, in Sandpoint, Idaho, on the 29th day of September, 2009, at the hour of 11:30 o'clock a.m., as a witness in the above-entitled matter on the part of the defendant.

YOU ARE FURTHER COMMANDED to bring with you and provide the following documentary information and evidence at the date and time indicated above:

Any and all records in your possession or under your control, including but not limited to psychological, medical, and drug-related records, pertaining to Elvin J. Holt, [REDACTED], SSN.: [REDACTED]

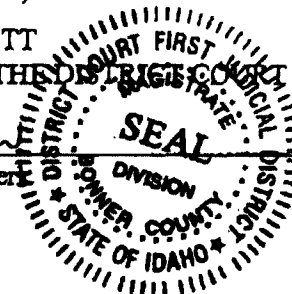
YOU ARE FURTHER NOTIFIED THAT IF YOU FAIL TO APPEAR AT THE PLACE AND TIME SPECIFIED ABOVE, THAT YOU MAY BE HELD IN CONTEMPT OF COURT AND THAT THE AGGRIEVED PARTY MAY RECOVER FROM YOU THE SUM OF \$100.00 AND ALL DAMAGES WHICH HE MAY SUSTAIN BY YOUR FAILURE TO ATTEND AS A WITNESS.

GIVEN UNDER MY HAND THIS 17th day of September, 2009.

Please call the Public Defender's office at (208) 255-7889 upon receipt of this subpoena to schedule the time for your appearance as a witness in this matter.

MARIE SCOTT
CLERK OF THE DISTRICT COURT

BY Dw
Deputy Clerk



SUBPOENA DUCES TECUM

Bonner County Sheriff's Office
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT COURT

Process Number: C09-01619

Court Number: CR08-7529

2009 SEP 21 A 9:03

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the within and foregoing Subpoena Duces Tecum-Criminal on 17th day of September, 2009, and that I served the same on:

Idaho Dept Health & Welfare
207 Larkspur St
Ponderay, ID 83852

(Witness)

Served on: 18th day of September, 2009 at 10:40:00 by Collins, J

Witness Disposition: PER Personal Service

Served to: Mary Payton Agent
207 Larkspur St
Ponderay, ID 83852

Returned on the 18th day of September, 2009

Dated the 18th day of September, 2009

Fees:

Service: 0.00
Mileage: 0.00
Other : 0.00
Total : 0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO

BY: *Alana Moore*
Authorized Representative
Civil Division

My commission expires:

Notary Public

ORIGINAL

BONNER COUNTY PUBLIC DEFENDER
Isabella Robertson (ISBN: 6068)
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT COURT
2009 SEP 23 P 2:49

CLERK OF DISTRICT COURT
cm

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

V.

JAMES M. ANDERSON,

Defendant.

CASE NUMBER CR-08-0007529

**EX PARTE MOTION FOR ORDERS
PERMITTING DISCLOSURE OF
HEALTH INFORMATION**

COMES NOW the above-named Defendant, by and through his attorney, Isabella Robertson, Bonner County Public Defender, and pursuant to I.C.R. 45(c) moves this Honorable Court for its ex parte Orders permitting the disclosure of health information protected by federal privacy regulations.

The foregoing motion is made in the interests of justice and based upon the Affidavit of Isabella Robertson in Support of Motion for Orders Permitting Disclosure of Health Information filed concurrently herewith.

DATED this 22 day of September, 2009.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: *Isabella Robertson*
ISABELLA ROBERTSON
PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 23rd day of September, 2009, addressed to:

Louis Marshall
Bonner County Prosecuting Attorney.

Clair Walpole

BONNER COUNTY PROSECUTOR'S OFFICE
127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax# (208) 263-6726

Assigned Attorney: Louis Marshall

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT COURT
2009 SEP 23 P 1:24
JAMES SCOTT
DISTRICT COURT
CITY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2008-7529
)	
V.)	
)	
JAMES M. ANDERSON,	)	STIPULATION RE: EVIDENCE
	)	TESTING BY THE DEFENSE
Defendant.)	
)	

COMES NOW the State of Idaho, by and through the Bonner County Prosecuting Attorney, Louis E. Marshall, and the Defendant, James M. Anderson, together with his Attorney, Isabella Robertson, Bonner County Public Defender, and hereby enter into the following stipulation:

1. The State has in its possession a certain item of physical evidence which the defense has requested to have tested by a defense expert, Don Miller of DT Miller Gunsmith, which item is described as follows: one Ruger Super Black Hawk 44 mag. revolver.

STIPULATION RE: EVIDENCE TESTING BY DEFENSE
Page 1 of 2

2. This item will be delivered to United Parcel Service by the Bonner County Sheriff's Department on Monday, September 28, 2009, for next-day delivery to Don Miller/DT Miller Gunsmith ("Miller"), at 295 Lodgepole Road, Athol, Idaho 83801. Miller will return the item to United Parcel Service for delivery to the Bonner County Sheriff's Department on or before Thursday, October 1, 2009.

3. The defense agrees that its analysis or examination will not result in any change in or alteration to the condition of this item.

4. The defense will not object to the chain of custody of this item while it is in the custody or control of the defense expert or his agents or employees, and will not object to its admissibility for any event or condition which occurs after the item is removed from the Bonner County Sheriff's property room for delivery to the defense expert. This applies to any trial, hearing, sentencing, post-conviction relief hearing, or other proceeding in this case or any future related case where this evidence is relevant.

5. Should the item be lost, damaged, or destroyed, the defense will not object to the State using photographs and/or photocopies in lieu of the original item.

SO STIPULATED this _____ day of September, 2009.



LOUIS E. MARSHALL
Prosecuting Attorney

ISABELLA ROBERTSON
Attorney for Defendant

INNER COUNTY DISTRICT COURT
FIRST JUDICIAL DISTRICT
STATE OF IDAHO



STATE OF IDAHO
County of Blaine
FILED 9-25-09
AT 4:30 O'Clock P M
CLERK, DISTRICT COURT
Deputy

CHRISTINE QUAYLE
Jury Commissioner
215 South First Avenue
Sandpoint, ID 83864

Phone (208) 265-144
Fax (208) 265-146
Jury Message Phone (208) 265-147

NOTICE OF HEARING

James Matthew Anderson

CR08-7529

JUROR PRE-TRIAL QUALIFICATION HEARING

FRIDAY, OCTOBER 2, 2009

1:30 PM

September 25, 2009

Dear Juror,

The District Court has reviewed your Qualification Questionnaire for the October 13, 2009 jury trial for James Matthew Anderson. Based upon your concerns regarding participating in this trial, you are ordered to attend a hearing in the District Court on **Friday, October 2, 2009 at 1:30 pm** before Judge Steve Verby to discuss your hardship.

If you fail to attend this hearing, you will be deemed qualified to appear for the voir dire/questioning on Tuesday, October 13, 2009 as previously ordered.

Sincerely,

Chris Quayle
Jury Commissioner

cc: Lynne Anderson
Mark Johnson
Louis Marshall
Isabella Robertson
Judge Steve Verby

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

SEP 29 P 1:23

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

Defendant Disposition:

James Mathew Anderson
468000 Highway 95; #60; P Sagle, ID 83860

Witness Disposition: PER Personal Service

Jennifer Leanne Anderson
488100 Highway 95; #60; P Sandpoint, ID 83864
Served on: 24th day of September, 2009 by Hill, C
Served to: Jennifer Anderson
Bonner County Jail Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C09-01648

Court Number: CR08-7529

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 24th day of September, 2009.

Dated the 24th day of September, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO
BY: Glenn Moore
Authorized Representative
Civil Division

Comments

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

VS.

JAMES M. ANDERSON,

01-01-1980

Defendant.

Case No. **CR-2008-7529**

SUBPOENA

Incident No. 08-019839

THE STATE OF IDAHO TO:

JENNIFER LEANNE ANDERSON

PHONE: 000-000-0000

12-09-1980

YOU ARE COMMANDED to appear before the above-entitled Court, Bonner County Courthouse, Sandpoint, Idaho, as a witness for the **STATE OF IDAHO** in the above matter. For a failure to attend, you will be deemed guilty of Contempt of Court.

DATE: **October 13 thru 22, 2009**

TIME: 9:00 a.m.

8-day Jury Trial

By Order of the Court.

Given under my hand and seal at Sandpoint, Idaho, this 28th day of July, 2009.

PROSECUTOR'S OFFICE by:

LOUIS E. MARSHALL
PROSECUTING ATTORNEY

NOTICE: You are being subpoenaed by the Prosecuting Attorney. Please contact this office at (208) 263-6714 between 4:00 P.M. and 5:00 P.M. **the day before** you are scheduled to attend so that you can be aware of the status of the case.

July 28, 2009-lmb

2009-lmb
1503 9-24 George Anderson at Fair.
Carolyn Hill

BONNER COUNTY PUBLIC DEFENDER
 Isabella Robertson (I.S.B.N. 6068)
 406 S. Ella Street
 Sandpoint, ID 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2009 SEP 30 P 3:51

HANIE SCOTT
 CLERK DISTRICT COURT
cm
 DEPUTY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-08-0007529
)	
V.	)	MOTION IN LIMINE; NOTICE OF
	)	HEARING
JAMES M. ANDERSON,)	
	)	DATE: OCTOBER 8, 2009
Defendant.	)	TIME: 11:00 A.M.
)	

COMES NOW the Defendant, James M. Anderson, by and through his attorney, Isabella Robertson, Bonner County Public Defender and, pursuant to I.R.E. 403, respectfully moves the Court for its Order excluding from evidence at trial the report of Daniel V. Christman produced in discovery on September 24, 2009, in that it is highly inflammatory, and its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the evidence, and/or misleading of the jury.

The foregoing motion is further based upon such matters as may be adduced at a hearing on the motions.

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for hearing before the Honorable Steve Verby, District Judge, on the 8th day of October, 2009, at the hour of 11:00 a.m., or as soon thereafter as the matter may be heard.

DATED this 30th day of September, 2009.

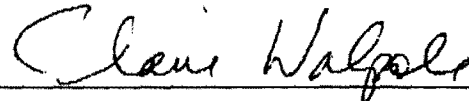
OFFICE OF THE BONNER COUNTY
PUBLIC DEFENDER

BY 
ISABELLA ROBERTSON
PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by facsimile on the 30th day of September, 2009, addressed to:

Louis Marshall
Bonner County Prosecuting Attorney
Fax: 263-6726.



COURT MINUTES

DATE: 10/02/2009

JUDGE: STEVE VERBY

SUBJECT OF PROCEEDINGS: Pre-Trial Qualification Hearing for James Anderson
Trial

SEE SEALED EXHIBIT

SEALED FROM PUBLIC REVIEW

☒ ADULT

☐ JUVENILE

STATE OF IDAHO
County of Bonner
FILED 10/05/09
AT 11:30 O'Clock A.M.
CLERK, DISTRICT COURT
Deputy *cm*

JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: VERBY

CASE NO. C08 -- 7529

JAMES

MATTHEW

ANDERSON

(SUBJECT'S FIRST NAME)

(SUBJECT'S MIDDLE NAME)

(SUBJECT'S LAST NAME)

☒ BY VIDEO
☒ SUBJECT APPEARED IN COURT ON: MON OCT 5, '09 AT 1134 AM

☒ SUBJECT IS TO: ☐ BE OR'D ☒ REMAIN IN CUSTODY
☐ BE RELEASED BY JUDGES ORDER
☐ BE RELEASED/TIME SERVED ☒ BOND \$ SAME
☐ BE RELEASED TO PARENT/PTA
☐ MUST SIGN WAIVER OF EXTRADITION ☐ WORK RELEASE/SEARCH GRANTEI
☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

☐ SENTENCED TO: ☐ _____ DAYS IMPOSED ☐ _____ HOURS ON SHERIFF'S LABOR PROGRAM.
☐ _____ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**
☐ _____ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**
☐ _____ DAYS CREDIT _____, 20____.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: _____ AT _____ M
☐ BREATH OR U/A TEST ORDERED _____ X'S WEEKLY ON: _____ AT _____ M
☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED _____ YEAR(S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN _____ AND NOT MORE THAN _____
IN THE IDAHO STATE DEPT. OF CORRECTIONS.
☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON _____ YEARS PROBATION.
☐ SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 180 DAYS.
☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE _____ DAYS LOCAL JAIL.

CHARGES MOTION HEARING

JUDGE'S ORDER: SUBJECT IS TO REMAIN IN CUSTODY

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

- 2/2 -

PG
BAILIFF

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

COURT MINUTES

**JUDGE: STEVE VERBY
REPORTER: VAL LARSON
CLERK: CHERIE MOORE
DIVISION: DISTRICT**

**CASE NO. CR-2008-0007529
DATE: 10/05/2009 TIME: 11:30 AM
CD: 09-245**

STATE OF IDAHO

vs. JAMES MATTHEW ANDERSON

Plaintiff / Petitioner

Defendant / Respondent

Attorney: LOUIS MARSHALL

Attorney: ISABELLA ROBERTSON

**SUBJECT OF PROCEEDINGS: MOTION FOR ORDERS PERMITTING DISCLOSURE
OF HEALTH INFORMATION**

INDEX	SPEAKER	PHASE OF CASE
11:34	J	Calls Case
		Present: DEFENDANT IN CUSTODY, ISABELLA ROBERTSON, LOUIS MARSHALL
	J	DEFENSE WISHES TO HAVE THE COURT ISSUE ORDERS FOR HEALTH INFORMATION CONCERNING ELDON J. HOLT – MS. ROBERTSON?
	IR	I AM WELL AWARE OF HOLDINGS OF THIS COURT – THE DEFENSE HAS FOUND THAT EVEN THOUGH A PERSON IS DECEASED, THE COURT STILL HAS RULED BEFORE – [DISCUSSES APPEALS CASE LAW REGARDING HIPA] – THE RIGHTS OF THE DECEASED CONTINUE TO APPLY TO HIPA – DISCLOSURE IS POSSIBLE IF THE COURT ALLOWS – ONE OF THE PROVIDERS OF THE RECORDS IS AN ATTORNEY, MARK JONES – HE PROVIDED SERVICES TO MR. HOLT FOR HIM TO APPLY FOR SOCIAL SECURITY – THE PERSON WHO HOLDS THE PRIVILEGE, THE DECEASED IN THIS MATTER, WE COULD ACCESS THE RECORDS BRIEFLY AND RETURN THEM – WE ARE ASKING TO ALLOW US TO REVIEW MARK JONES' RECORDS – HE IS AGREEABLE
	J	HOW DO I GET AROUND RULE 503? – NEITHER SIDE HAS PRESENTED ME WITH BRIEFING ON THIS ISSUE – I DO RECALL A CASE INVOLVING WHITE HOUSE OR WHITE HOUSE STAFF REGARDING ATTORNEY/CLIENT PRIVILEGE EXISTS AFTER DEATH – HAVING DIFFICULTY AT THIS POINT
11:42	IR	THE RECORDS WE ARE SEEKING ARE NOT PSYCHOTHERAPEUTIC RECORDS – NATURE IS MORE THE THERAPEUTIC, AS IN MEDICATIONS AS OPPOSED TO STATEMENT BY A PSYCHOTHERAPIST – IF COURT WOULD LIKE TO LEAVE OUT DETAILS OF PSYCHOTHERAPIST/PATIENT PRIVILEGE, THAT WOULD BE VERY HELPFUL TO THE DEFENSE
	J	MR. MARSHALL?
	LM	STATE DOES NOT HAVE ANY OF THESE MATERIALS – THE MEDICAL RECORDS WE HAVE ARE THE AUTOPSY – HAVE SOME KNOWLEDGE OF WHAT SUBSTANCES WERE IN THE VICTIM'S BODY AT THE TIME OF DEATH – WE OBJECT – DUE PROCESS
	J	MS. ROBERTSON, ANYTHING FURTHER?

[illegible]